

COMMITTEE WORKSHOP

CALIFORNIA ENERGY RESOURCES CONSERVATION

AND DEVELOPMENT COMMISSION

In the Matter of:

)

) Docket No.

Application for Certification

)

00-AFC-2

of the Mountainview Power

)

Plant Project

)

HEARING ROOM B

1516 NINTH STREET

SACRAMENTO, CALIFORNIA

WEDNESDAY, NOVEMBER 1, 2000

9:00 a.m.

Reported By:

Debi Baker

Contract No. 170-99-001

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

COMMITTEE MEMBERS PRESENT

Ellen Townsend-Smith, Commissioner Advisor

Garret Shean, Hearing Officer

STAFF PRESENT

David Abelson, Staff Counsel

James W. Reede, Jr., Project Manager

Bob Eller

David Flores

Chuck Najarian

Lorraine White

Linda Bond

Patrick Angell, Staff Consultant, PMC

APPLICANT

John McKinsey
Livingston & Mattesich

Gary Chandler, Mountainview

George Hall, Plant Manager

Fred Anoush, Duke/Fluor Daniel

Dennis Maslonkowski, Arcadis Geraghty & Miller

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1 P R O C E E D I N G S

2 HEARING OFFICER SHEAN: Good morning.

3 This is Garret Shean. We're on the second day of
4 our Committee Workshops going through topics that
5 are noticed on the Notice of Committee Workshops
6 and Prehearing Conference. This is Wednesday,
7 November 1st, and we concluded all our topics
8 yesterday.

9 We had done Worker Safety. We'll sort
10 of reopen that and discuss it just in case anyone
11 is attending today's meeting who wasn't here
12 yesterday.

13 We're also going to include Water
14 Resources and Water Quality later in the morning.
15 And we are shifting a portion of our Land Use to
16 November 6th, down in Redlands. And, but we're
17 gong to preview it this morning. And I guess
18 that's what we're going to do first. Are we in a
19 position to do that? Okay.

20 MR. REEDE: Officer Shean, I'd like to
21 introduce David Flores of the Commission Staff,
22 and Pat Angell, of Pacific Municipal Consultants,
23 who will be entertaining or answering --

24 HEARING OFFICER SHEAN: You're going to
25 blow her ears out.

1 MR. REEDE: Okay.

2 HEARING OFFICER SHEAN: And this is
3 intended to be informal, so in the future --

4 MR. REEDE: They'll be answering
5 questions related to Land Use.

6 HEARING OFFICER SHEAN: Okay.

7 MR. REEDE: I'm going to start out,
8 Applicant had stipulated to three conditions the
9 Staff had not put on the -- into the Land Use
10 conditions. And Staff has no objection to
11 including those stipulated conditions as part of
12 our overall conditions.

13 HEARING OFFICER SHEAN: Okay. So
14 they're Land 1, 2, and 3; right?

15 MR. REEDE: They're Land 1, 2, and 3,
16 can become part of the proceeding without our
17 objection or contestation.

18 MR. MCKINSEY: Which ones were they?

19 MR. REEDE: Applicant's stipulated
20 conditions Land 1, 2, 3. Development Plan
21 Approval, Development Plans, and Transmission
22 Lines, Pipelines, Development Plans.

23 I might add that in the Applicant's
24 stipulation for LAND-3, they identify all the
25 cities that will be -- whose jurisdictions will be

1 crossed during the installation of the linears. I
2 believe it's at the bottom of the first page of
3 their stipulations.

4 HEARING OFFICER SHEAN: Right.

5 MR. REEDE: And we don't have a problem
6 with that.

7 HEARING OFFICER SHEAN: All right.

8 MR. REEDE: And I'll let our Staff go
9 into our titled Lands 3, 4, and 5, why we feel
10 they're necessary, and if there is any objections
11 by the --

12 MR. McKINSEY: I'm a little lost. You
13 -- in here we've got five conditions, here being
14 in the -- in the Staff Assessment.

15 MR. REEDE: Correct.

16 MR. McKINSEY: One through five.

17 MR. REEDE: Correct, we have one through
18 five.

19 MR. McKINSEY: And so -- okay.

20 MR. REEDE: We're saying that --

21 MR. McKINSEY: So -- okay, so it would
22 be eight, adding in the three.

23 MR. REEDE: Yeah, there would be eight.

24 MR. McKINSEY: Got it.

25 MR. REEDE: Your three and our five.

1 HEARING OFFICER SHEAN: Even with the
2 new math, that works out.

3 MR. REEDE: Even with fuzzy math.

4 HEARING OFFICER SHEAN: Even with fuzzy
5 math.

6 MR. REEDE: And I've got a first grader
7 that can do that kind of math.

8 HEARING OFFICER SHEAN: All right.
9 What's the Applicant's reaction to their one
10 through five?

11 MR. MCKINSEY The two that we wanted to
12 discuss were LAND-1 and LAND-3. And that was the
13 reason why we wanted to do Land on the 6th --

14 HEARING OFFICER SHEAN: Okay.

15 MR. MCKINSEY: -- because those pertain
16 to the City of Redlands and their development
17 requirements. The -- and we spoke with John Jakus
18 yesterday after the -- the workshop, and we talked
19 about some ways that we could change one and three
20 that they would be happy with. And essentially it
21 comes to this, is that they don't know exactly
22 what they want to do on those two streets at this
23 time.

24 And so they would rather not -- in fact,
25 they, you know, if we were to say we're now going

1 to widen and do all these things, they -- they
2 don't want us to do those at this time. But
3 there's a good chance they may want us to do them
4 at some point in the future.

5 So we were willing to commit to, when
6 asked by them to comply with these sections, to do
7 so, in order to pave and widen, to provide those
8 -- such setbacks. And we worked out some -- some
9 language that basically inserts instead of, for
10 instance, under LAND-1, where it says to do the so
11 and so, the project owner shall put in a -- a
12 phrase that says when so requested by the City of
13 Redlands.

14 And then -- so, basically it's saying
15 there that we will do it, but we need to do it
16 when the City of Redlands wants us to do it.

17 And then under each of these, they may
18 not require this full -- in other words, they --
19 the situation is that a lot of these zoning things
20 were part of a plan that they're really
21 reevaluating. And so rather than say a half
22 street, it would be up to a half street. And it's
23 going to be whatever they're going to want us to
24 accomplish when they resolve what they want to do
25 in that area.

1 So on both the provide paragraphs, right
2 after with, after the City of Redlands, it would
3 say with up to a half and with up to a half
4 street, et cetera, et cetera.

5 Basically, what we're doing is we're
6 agreeing that that's what the guidelines say we're
7 going to do all the way up to that, depending on
8 what they want. But if we had a condition that
9 said we're going to do this, that's not really
10 what the City of Redlands wants.

11 And then the verification would have to
12 say -- we hadn't worked out the exact language,
13 but it would have to say something along the lines
14 of prior to start of construction we ought to get
15 clearance from the City of Redlands, but at this
16 time they don't require us to do it.

17 MR. FLORES: At least something in
18 writing at this point.

19 MR. MCKINSEY: And then -- and then
20 there would need to be some kind of obligation
21 that when they do request us, that we need to
22 inform the Compliance Unit of the Energy
23 Commission. That could be ten years from now.
24 Who knows when. But when they do so request, we
25 would need to submit a report that we've been

1 requested to do that, and we're working with them
2 to do that.

3 MR. FLORES: Would they require some
4 type of -- I'm trying to think -- as part of an
5 encroachment permit, a bond as security?

6 MR. MCKINSEY: Well, see, we have a
7 development agreement, which really already makes
8 us subject to complying with these things, between
9 us and the City of Redlands. And that's probably
10 why they're comfortable, because the development
11 agreement has a lot of terms involved, our
12 annexation, and the value they get from our
13 annexation.

14 That is part of the reason why I think
15 they're not that concerned about this part of it,
16 because we are -- we have an obligation under the
17 development agreement, which has its own
18 punishments and penalties if we don't comply with
19 it, to perform these things pursuant to -- in
20 other words, so they aren't worried, for instance,
21 that we're going to claim that we're grandfathered
22 in that kind of an issue, that we are already
23 subject to.

24 And we don't have an issue with putting
25 them in here, too. It's just we didn't want to be

1 in a situation where we've got a condition that
2 says do this, and the city's saying no, no, no,
3 no. No, not yet, because that would be holding up
4 our entire construction.

5 So three has the same situation. The --
6 it asks us to provide the setbacks, and until they
7 resolve exactly what they want to accomplish there
8 we want to have it also say when so requested, and
9 -- and up to, and then we need to change the
10 verification a little bit, also.

11 HEARING OFFICER SHEAN: Well, John,
12 maybe what would make sense is if you could
13 provide us with a draft of the language in a --

14 MR. MCKINSEY: Yeah.

15 HEARING OFFICER SHEAN: -- either e-mail
16 or a hard copy form, that way we have it for them
17 to look at before we go down there on the 6th, and
18 then the people from the City of Redlands will
19 have something to react to and say yes, we've seen
20 this, and this is what we'd prefer in terms of the
21 language for one and three.

22 MR. MCKINSEY: That'd be fine. In fact,
23 we just weren't able to complete the verification
24 language, or I would've actually had it here now.

25 HEARING OFFICER SHEAN: I see.

1 MR. MCKINSEY: It's a little trickier to
2 figure out how to word it in the verification
3 area.

4 MR. FLORES: Okay. Just as long as
5 we're aware of what your concerns are, we can --

6 MR. HALL: Yeah. We talked to the city
7 last night when we left here, and basically
8 discussed this language, too, so it's -- they know
9 what's coming, and they're in agreement with what
10 we're doing.

11 HEARING OFFICER SHEAN: Okay. Well, I'm
12 going to add this to my to do list, which is the
13 Applicant draft of one and three, just at some
14 time, and, you know, maybe you can do it by e-mail
15 by Friday, do you think?

16 MR. MCKINSEY: Yeah.

17 HEARING OFFICER SHEAN: And then that
18 way we'll have a look at it. Is your team going
19 to be down in Redlands?

20 MR. REEDE: Yeah. The team will be down
21 in San Bernardino on Monday, and at that time,
22 after all the issues are resolved, I'll request
23 that it be determined to be uncontested.

24 HEARING OFFICER SHEAN: Okay.

25 MR. MCKINSEY: The -- the other thing

1 that's kind of a little bit is we were doing that
2 based on -- when we were conceiving what we needed
3 to draft there, that we didn't have our stipulated
4 conditions there, and that's why I was asking.
5 Because that first stipulated condition I think
6 was to have a development plan approved by the
7 City of Redlands.

8 HEARING OFFICER SHEAN: Yes.

9 MR. MCKINSEY: They kind of overlap to a
10 certain extent with these. I don't think it
11 really prevents these from sitting in there.

12 HEARING OFFICER SHEAN: Well, let's not
13 be duplicative. If you think --

14 MR. REEDE: Well, you see, the -- our
15 LAND-1 for general plan -- is it our LAND-1 for --
16 to comply with the general plan -- the general and
17 specific plans of the City of Redlands. That is
18 duplicative, as far as development plan approval.
19 Their LAND-2 is basically duplicative.

20 MR. MCKINSEY: Well, they're a little
21 different. I mean, these are very specific.
22 LAND-1, for instance, you know, it says we need to
23 show compliance with two particular setback
24 requirements. Whereas our -- I think ours was
25 more generic, our LAND-1 said we need to -- we

1 have to have a development agreement approved by
2 the City of Redlands.

3 HEARING OFFICER SHEAN: Do you want your
4 LAND-1, 2, and 3 in, or out?

5 MR. MCKINSEY: Well, I don't think it's
6 a problem. I just -- we have no problem with
7 having them in, also.

8 HEARING OFFICER SHEAN: Okay.

9 MR. MCKINSEY: It's just, you know, in
10 the context of what we're discussing with LAND-1
11 and 3 here, we may kind of feel like we've --
12 we've kind of duplicated our efforts a little bit.

13 HEARING OFFICER SHEAN: Well --

14 MR. REEDE: Regardless of the --

15 MR. ANGELL: I'm sorry. I would -- I
16 would tend to agree with that, because these two
17 are more specific, whereas, you know, your LAND-1
18 was -- was more general in purpose. So it just
19 specifies and brings out clarity with the local
20 standards.

21 HEARING OFFICER SHEAN: Well, let's
22 anticipate --

23 MR. REEDE: That we'll just --

24 HEARING OFFICER SHEAN: -- deleting --

25 MR. REEDE: -- use all of them.

1 HEARING OFFICER SHEAN: -- deleting your
2 LAND-1 and 2. Okay, John, your one and two out,
3 we'll just stick with the stuff that's more
4 specific.

5 MR. MCKINSEY: Okay.

6 HEARING OFFICER SHEAN: Unless -- unless
7 having those in there adds value, let's not do it.

8 MR. MCKINSEY: That's fine.

9 HEARING OFFICER SHEAN: LAND-3 is okay
10 to stay?

11 MR. REEDE: Yes.

12 HEARING OFFICER SHEAN: Okay.

13 MR. MCKINSEY: The -- and then in LAND-
14 5, is this something that the City of Rialto
15 requested particularly?

16 MR. REEDE: There's -- there's a slight
17 conflict in LAND-5, before we get to it. We start
18 out talking in LAND-5 about the City of Colton
19 zoning ordinance. We then say submit ten copies
20 of the design review to the City of Rialto, and
21 then for verification we go back to the City of
22 Colton.

23 I would suggest that Staff clean up that
24 language to reflect what city they're talking
25 about and, as appropriate, show that the Applicant

1 shall comply with all of the city's requirements.

2 HEARING OFFICER SHEAN: I --

3 MR. McKINSEY: I think that's what our

4 LAND-3 --

5 (Parties speaking simultaneously.)

6 HEARING OFFICER SHEAN: -- first of all,

7 we're going to --

8 MR. McKINSEY: Isn't our LAND-3

9 accomplishing that in part, though?

10 MR. REEDE: Right. Yeah.

11 MR. McKINSEY: We were thinking maybe

12 the City of Rialto or the City of Colton was

13 actually asking in particular that they wanted --

14 MR. ANGELL: We'd have to check with

15 that from the consultant who prepared the

16 document. But -- I think they did request it, but

17 I can't seem to find the information in front of

18 me.

19 MR. McKINSEY: Okay. Well, that -- it's

20 not a problem. We understand when the city wants

21 to see a little more clarity that -- that we can

22 do that.

23 And really, by incorporating LAND-3,

24 we're -- we're assuring that once again, on a

25 broader sense, for all the cities that we go

1 through with the pipeline.

2 MR. REEDE: Right. And so it may --

3 MR. McKINSEY: But, so we don't have a
4 problem with keeping that in there.

5 MR. REEDE: -- may well be that our
6 LAND-5 needs to be combined with their LAND-3 in
7 some way.

8 MR. McKINSEY: Well, or it could be a
9 city, you know, if they have -- whichever city it
10 is that has a particular concern. We don't have
11 an issue with having that also stand out as a
12 particular requirement. But we might want to --
13 perhaps, then, whichever city it is would be
14 removed from -- from LAND-3, leaving that broader
15 requirement for -- for the rest of the cities the
16 pipeline's in. In this particular one, for the
17 city of either Colton or Rialto, whichever city it
18 is.

19 MR. REEDE: Well, I think that all the
20 cities should be treated equally, because all of
21 them will require ten copies for design review.
22 In the case of this particular city, they just
23 wanted to make sure they got their money.

24 MR. McKINSEY: Right.

25 MR. REEDE: And your LAND-3 basically

1 you stipulated that you're going to comply with
2 all the various local requirements, which, you
3 know, develops the nexus that you're going to pay
4 the fee.

5 So I would be more in favor of combining
6 LAND-5 and LAND-3, so that we actually wind up
7 with seven instead of eight.

8 MR. MCKINSEY: Well, we were told by
9 SoCalGas that it may indeed be that some of these
10 cities might kind of want some particular
11 assurances, and that we might -- and so it doesn't
12 surprise me that one of them did, indeed, kind of
13 exercise some concern. And we would rather make
14 them feel that we're accommodating their interests
15 --

16 MR. REEDE: Okay.

17 MR. MCKINSEY: -- than make them feel
18 like their concerns got cut out.

19 So, I -- I mean, it is a little
20 duplicative, but if that's what that city wants,
21 we don't have a problem with that.

22 MR. REEDE: Okay.

23 HEARING OFFICER SHEAN: Let me ask a
24 question. There are references to this Public
25 Resources Code Section 25525 in each of these, and

1 why is that there? What element of 25525 was that
2 intended to address?

3 MR. MCKINSEY: I don't remember what
4 that is. In fact, you know, it's funny, because
5 the City of Redlands, in LAND-1, has the -- or
6 LAND-2, has the same code section. Rancho
7 Cucamonga in LAND-4 has a --

8 HEARING OFFICER SHEAN: Right. They all
9 do.

10 MR. MCKINSEY: Yeah, they all do.

11 HEARING OFFICER SHEAN: Do we need to go
12 get a copy of the code?

13 MR. MCKINSEY: Well, this -- I mean,
14 this could be something we can figure out.

15 HEARING OFFICER SHEAN: Okay. Yeah,
16 let's look at it, because that's -- that's
17 essentially the override section, and it's not
18 clear to me why -- why we need to refer to it.

19 MR. REEDE: Okay. So Staff will report
20 back at the San Bernardino hearing on the LAND-5
21 regarding the code.

22 MR. ANGELL: Well, it falls into a
23 couple of conditions, so it -- we need to clarify
24 --

25 MR. REEDE: Okay.

1 HEARING OFFICER SHEAN: I beg your
2 pardon?

3 MR. ANGELL: I'm sorry. That falls --
4 that Public Resources section that was previously
5 mentioned falls in a couple of sections, so we'll
6 need to clarify that, in general.

7 HEARING OFFICER SHEAN: Okay.

8 MR. MCKINSEY: That is the override
9 section, I believe.

10 HEARING OFFICER SHEAN: Yes.

11 MR. MCKINSEY: Which, you know --

12 HEARING OFFICER SHEAN: Well, we don't
13 want to freak anybody out, because it's, first of
14 all, not being employed, in terms of -- of an
15 override. So let's -- let's just look at it,
16 figure out why we're doing it, and then determine
17 whether we want to leave it.

18 Okay. So I guess as far as Land is
19 concerned, we're all agreed we're -- this is not
20 closed until we've concluded the matters in --

21 MR. REEDE: From the City of Redlands.

22 HEARING OFFICER SHEAN: -- after we've
23 heard from the people from the City of Redlands.
24 But I think we've made some progress, and with the
25 -- the drafts that we're going to provide,

1 hopefully we will -- this will go quickly when
2 we're down there.

3 MR. McKINSEY: The -- we did want to
4 discuss one more. The -- in LAND-2 --

5 HEARING OFFICER SHEAN: Okay.

6 MR. McKINSEY: -- we talk about outdoor
7 storage. And we understand, you now, that's the
8 City of Redlands requirement regarding outdoor
9 storage. The -- and we're not too sure where
10 that's coming from, to a certain extent, because
11 -- I mean, there are a lot of City of Redlands
12 requirements that exist, I mean, so, you know, we
13 could write conditions to address a lot of them.

14 And the City of Redlands people that
15 we've spoke with didn't express any interests or
16 concerns over this one. So we're not -- we were
17 trying to figure out if this is something that the
18 City of Redlands is requesting in particular,
19 about outdoor storage items.

20 We were also wondering if this came to
21 -- had to do with that currently a portion of the
22 property is being used by the tile facility that's
23 across Mountainview Avenue for the storage of
24 their tiles after they produce them. They put
25 them on pallets and they drive them across there

1 in forklifts. That use is going to discontinue.

2 At the time we submitted the AFC, it was
3 going to be there. And afterwards, they were
4 going to go back to using it for that purpose.
5 But as we've had to provide a large basin for
6 storm water runoff, we no longer can accommodate
7 that use, so that use is going to go away.

8 So we weren't sure if that's the reason
9 why this was in there, because there was some
10 concern that the City of Redlands didn't like that
11 use, because it was unsightly and -- and we're
12 just not -- we wanted to see if do we really need
13 to have that particular one in there, because we
14 still have an obligation to comply with all their
15 regulations.

16 MR. ANGELL: That particular condition
17 was not triggered by a comment by the City of
18 Redlands. That was something we just pulled out
19 of the ordinance. It seemed relevant to the
20 project.

21 MR. HALL: Okay. One of the -- we've
22 discussed this with the City of Redlands, as well,
23 and we're -- this doesn't apply during the
24 construction period. This is only for long term
25 operational --

1 MR. ANGELL: And that -- that was our
2 intent, as well.

3 MR. MCKINSEY: And actually the
4 verification says during the operation. But the
5 condition doesn't.

6 MR. REEDE: Well --

7 MR. MCKINSEY: So maybe --

8 MR. REEDE: -- that raises a question,
9 because if I have a -- a potential transformer or
10 a current transformer that's eight feet tall, I
11 exceed that.

12 MR. MCKINSEY: Well, that would be a
13 structure, not an item.

14 MR. REEDE: No. If I have a spare
15 potential transformer that would be stored in the
16 yard, it's going to be eight feet tall. That
17 exceeds the six foot height. And then, you see --

18 MR. MCKINSEY: We couldn't store within
19 100 feet, then.

20 MR. REEDE: -- that's why me, as --

21 MR. MCKINSEY: Well, we just couldn't --
22 we couldn't put it within 100 feet of a roadway.

23 MR. HALL: Yeah. Well that -- we
24 understand that. I mean --

25 MR. REEDE: Okay.

1 MR. HALL: We'd work with that.

2 MR. REEDE: Okay. So anything over six
3 feet would not be stored there.

4 MR. HALL: Right. And I couldn't stand
5 there.

6 (Laughter.)

7 MR. REEDE: For longer than a certain
8 period of time. Okay. Well, we'll move on that
9 one, then. But it --

10 HEARING OFFICER SHEAN: Well, then maybe
11 we can get the people from Redlands to react to
12 that, see if -- how --

13 MR. MCKINSEY: Yeah. And we, I mean,
14 it would -- if we -- maybe, you know, if we
15 understand what your concerns are, too, so we can
16 have that address your concerns, but not -- one of
17 the things I -- that was the reason that they came
18 from is we were concerned. Items is kind of a --
19 a vague term. And then it wasn't clear, you know,
20 when that -- we have to comply with that.

21 In theory, we already have to comply
22 with that, but once we're annexed, which -- in
23 other words, now, because up until now
24 Mountainview hasn't been in the City of Redlands,
25 but the existing plant that's there now is now in

1 the City of Redlands. And so there's already an
2 obligation to comply with that for the existing
3 facility.

4 Most of the new facility is a -- even
5 farther away from the road than the current one,
6 so it's not really much of an issue for us, other
7 than during construction it would obviously be a
8 problem, and the City of Redlands has told us it
9 doesn't apply during construction.

10 MR. ANGELL: Yeah. And that was our
11 intent, as well. A lot of these conditions were
12 -- were written previous to your development
13 agreement getting executed, so they were written
14 kind of in the sense of a worst case. If you
15 don't have a development agreement, then we need
16 to make sure these things get taken care of.

17 HEARING OFFICER SHEAN: Well, and to
18 some degree we don't want to micro-manage the
19 conduct of the City of Redlands, that if they've
20 annexed this property and they have jurisdiction
21 over it, let, you know, let them deal with the
22 Applicant. If they're unhappy about something,
23 they can let them know, and they have to comply or
24 -- once they've informed them what -- well, let's
25 just get their reaction, and we'll go from there.

1 MR. ANGELL: Yeah. Well, I think as we
2 go forward we need to bring things up to date that
3 there is a development agreement in place, and
4 annexation's anticipated in November. So some of
5 these issues don't become so --

6 MR. MCKINSEY: Yeah. Actually, we have
7 discussed the annexation and -- and we are going
8 to drop the appeal immediately for the annexation
9 on the City of Redlands. So we'll --

10 HEARING OFFICER SHEAN: Okay.

11 MR. MCKINSEY: -- once we've done that,
12 then we've dropped our last ability to -- to
13 actually stop it from taking place. And then
14 there's the pro forma vote, which should occur at
15 the next meeting in November.

16 HEARING OFFICER SHEAN: Okay.

17 MR. REEDE: Oh, so the current
18 expectation is that you will actually be legally
19 annexed in whatever November meeting --

20 MR. MCKINSEY: In a couple of weeks.

21 MR. REEDE: Okay.

22 MR. ANGELL: That's right, it's
23 November.

24 MR. MCKINSEY: Yeah. I mean, we didn't
25 anticipate that being a problem, and we

1 reevaluated whether we really -- how badly we
2 needed to hold up our right to appeal, and -- and
3 it wasn't worth it, in terms of the complications
4 it caused or the question, really, about the
5 status for annexation, so we --

6 HEARING OFFICER SHEAN: Okay. Great.
7 All right, so for now we'll table the Land Use
8 until we get to San Bernardino on the -- on the
9 6th. But I guess now we should be calling it
10 Redlands, right?

11 MR. REEDE: Yeah.

12 MR. McKINSEY: Actually, yeah. It
13 always has been in the -- the museum is in the
14 City of Redlands.

15 HEARING OFFICER SHEAN: Okay. Next up
16 is Transmission System Engineering.

17 MR. REEDE: Thank you, gentlemen.

18 Transmission System Engineering
19 Condition, I had expected Mark Hesters to be here.
20 There's a slight difference in the language
21 between the Applicant and Staff's Transmission
22 System Engineering Condition 1. Upon review of
23 those particular conditions, I see that it's so
24 slight that it's preferable that we just maintain
25 Staff's standard condition. It goes into a little

1 bit more detail than the Applicant's, and there's
2 virtually no difference. Whereas they have a
3 bullet point, so to speak, we have two sentences.

4 As an example, on the Applicant's
5 stipulated condition page 23-7, down at the
6 bottom, where they talk about Transmission System
7 Engineering Condition 1, and on page 494 and 495
8 of the Commission Staff Assessment, we go into a
9 little more detail, whereas they used brevity in
10 the description. And for that reason, I feel that
11 we need to stick with Staff's explanation.

12 HEARING OFFICER SHEAN: All right. This
13 was regarding which one, again? I'm sorry.

14 MR. REEDE: Transmission System
15 Engineering Condition 1.

16 HEARING OFFICER SHEAN: He agreed --
17 you're okay with that, that language?

18 MR. REEDE: The second issue on
19 Transmission System Engineering, Staff changed the
20 Condition 3 from our standard condition. And
21 that's -- excuse me for saying oh. That's due to
22 the specificity of the project. We're looking
23 more at the uniqueness of the project.

24 HEARING OFFICER SHEAN: We're on three;
25 is that correct?

1 MR. REEDE: Yes. It's -- it's not a
2 major difference between the two. However, we
3 felt that, or Staff felt that it needed a slight
4 bit more clarification from when the general
5 conditions were submitted, or from when the --
6 the quote, unquote, standard conditions were
7 submitted.

8 HEARING OFFICER SHEAN: Does that seem
9 all right to you?

10 MR. MCKINSEY: I don't see any problems
11 with three. That's fine.

12 HEARING OFFICER SHEAN: Let me just ask
13 you. Verification calls for within 60 days after
14 first synchronization of the project. I guess the
15 synchronization is going to --

16 MR. REEDE: When they first get hot.

17 HEARING OFFICER SHEAN: Which should be
18 --

19 MR. REEDE: When they first get
20 electrified to the grid.

21 HEARING OFFICER SHEAN: Okay. And this
22 is just providing drawings --

23 MR. REEDE: Well, it's more than just
24 providing drawings. They have to provide what is
25 actually there, the as built drawings. And they

1 also have to provide the summary of the
2 inspections.

3 HEARING OFFICER SHEAN: Okay. But my
4 question then is, does it -- why does it -- does
5 it need to be keyed to 60 days after
6 synchronization, or can it be 60 days after
7 commencement of operation, or something like that,
8 that would capture -- given that what you're
9 turning in is as built drawings and inspection
10 reports of an activity that occurred in the past.

11 MR. REEDE: Well, the industry standard
12 is synchronization. Because you can synchronize,
13 but you don't have to operate the plant.

14 HEARING OFFICER SHEAN: Okay.

15 MR. REEDE: Okay. Once you get the
16 plant synchronized with the grid, you don't have
17 to operate it. But if you turn it on it will be
18 synchronized with the grid. So we want that first
19 synchronization versus after 60 days of continuous
20 operation.

21 HEARING OFFICER SHEAN: After
22 commencement of operation.

23 MR. REEDE: Or after commencement of
24 operation, but they don't necessarily have to be
25 operating.

1 MR. MCKINSEY: I think the idea behind
2 it is to provide information to everybody that --
3 that is trying to evaluate after that what the
4 configuration of that -- because once it's been
5 synchronized to the grid, it's now, you know, a
6 portion of the grid, so that that information can
7 be disseminated to anybody that shows the one line
8 diagram and the interconnection ideas.

9 HEARING OFFICER SHEAN: Okay. But is
10 that going to be substantially disconnected from
11 the commencement of operations?

12 MR. MCKINSEY: Well, you have the -- the
13 commissioning exercises where you're operating the
14 facility but you're not --

15 HEARING OFFICER SHEAN: Okay.

16 MR. MCKINSEY: -- connecting to the
17 grid.

18 HEARING OFFICER SHEAN: All right.

19 MR. MCKINSEY: The synchronization is --
20 is -- and I'm assuming they're referring to the
21 first time you parallel, that you're actually
22 connecting to the grid. And -- and that's
23 ensuring that at that point, after your
24 commissioning activities, any of the final details
25 on the interconnection issues, you've completed

1 your --

2 HEARING OFFICER SHEAN: Well, let me
3 just say, to a certain degree the Committee has an
4 interest in consolidating the triggering events
5 for verification. And if you're turning in a
6 report that's existed for any number of days or
7 weeks, so that there's not a time -- there, the
8 recapture or the essence of the -- what you need
9 to report and when you need to report it, if this
10 is keyed to commencement of operation, and we
11 don't create a one-time verification trigger of 60
12 days after synchronization.

13 We're probably going to have a -- a
14 compliance workshop.

15 MR. HALL: I think -- I think maybe,
16 could we have it specific to the unit? In other
17 words, we have -- we have four units that we're
18 dealing with. Actually, it's six generators. And
19 -- and there's going to be a time lag between the
20 first block and the second block, you know, and it
21 may make more sense to have that trigger point for
22 each -- each block, because the second block may
23 not come online, in terms of commissioning, soon
24 enough to allow it to give you the as built, you
25 know.

1 HEARING OFFICER SHEAN: Well --

2 MR. REEDE: Yeah, I -- I can see that.

3 MR. ABELSON: Let me suggest something
4 here. Officer Shean and I had a conversation
5 yesterday afternoon on a subject that I also
6 talked about. And part of the issue here is -- is
7 the point that Garret made a second ago, which is
8 that there's some desire on the part of the
9 Committee to standardize certain reporting
10 requirements, if possible.

11 I think that's a bigger subject, and --
12 and a more appropriate subject than the immediate
13 topic in front of us today. And, Garret, I know
14 you'd said a minute ago that you were
15 contemplating the possibility of a workshop on
16 these sorts of reporting requirements. What I
17 would like to suggest on behalf of Staff is that
18 we defer the specifics of whether or not this will
19 be moved from where it currently is, which is the
20 standard that we've been using and the standard of
21 the industry, to a more generic version. Just
22 defer that issue until -- because there's going to
23 be a number of them that'll fall under that --
24 that --

25 HEARING OFFICER SHEAN: Right. And I'm

1 willing to leave this as this is, for now.

2 MR. ABELSON: For the purposes of today,
3 that's -- that's all I'm saying.

4 HEARING OFFICER SHEAN: I -- I just want
5 to raise it so that people are sensitized to the
6 idea. What's -- what's the objective of the
7 reporting, and then when does it -- when does it
8 need to happen.

9 All right. Is there anything else we
10 need to discuss for --

11 MR. REEDE: Then I would suggest,
12 Officer Shean, that the Transmission System
13 Engineering be considered uncontested, and that
14 testimony be by declaration.

15 HEARING OFFICER SHEAN: Okay.

16 (Inaudible asides.)

17 HEARING OFFICER SHEAN: John, Staff
18 thinks it's uncontested, ready to go by
19 declaration. Do you agree?

20 MR. MCKINSEY: Yes. We agree.

21 HEARING OFFICER SHEAN: Okay.
22 Transmission Line Safety and Nuisance, then.

23 MR. REEDE: Transmission Safety Line and
24 Nuisance.

25 HEARING OFFICER SHEAN: I'm sorry. Can

1 we back up just a second on System Engineering.
2 Are there -- I know we -- we checked with the Cal-
3 ISO with regard to their basically clearing or
4 okaying these --

5 MR. REEDE: Their facility
6 interconnection study.

7 HEARING OFFICER SHEAN: -- these
8 proposals, right. Do we consider that there are
9 -- that the ISO is merely looking at the criteria
10 of other groups, such as Western or -- or any of
11 these, that they don't have any of their own? Is
12 that -- I'm just wondering, because at the time we
13 were making up the -- the matrix and grid, whether
14 it included Cal-ISO, conformance to Cal-ISO, and
15 if that's not --

16 MR. REEDE: Yes. Cal-ISO issued a
17 letter stating that there weren't problems with
18 their configuration. And their detailed facility
19 study. So Cal-ISO was in the loop from the
20 beginning, versus, you know, at the end.

21 HEARING OFFICER SHEAN: Okay. Now,
22 Safety and Nuisance. And we just have some
23 numbering differences here, in one thing.

24 MR. REEDE: Okay. There was -- well,
25 let me address Applicant's stipulation number two,

1 Staff will agree to include that stipulation in
2 our conditions. But Applicant did not include our
3 standard stipulation number three, and I would --
4 on EMF measurements. Do you have a problem
5 including it, or --

6 MR. MCKINSEY: The reason why we didn't
7 -- we didn't actually think that it was a standard
8 condition. We felt that, you know, when we
9 evaluated where that condition has appeared in
10 past projects, that it was triggered by often
11 either reconductoring or new transmission lines,
12 where you're going to actually have an EMF issue,
13 where you're running a line in some new area or
14 you're reconductoring a line so you're going to
15 have a -- a new field strength in a region
16 adjacent to homes or parks.

17 In this case, the only thing that's
18 really changing is the immediately adjacent
19 switchyard, we're going to have to run some new
20 lines into that switchyard and put some -- some
21 new breakers in there. The transmission lines in
22 the area are already in existence. They
23 frequently go up to their full capacity, and other
24 times they don't. So we're not going to really
25 have any EMF impacts, or even present any issues

1 that would require that condition.

2 Now, contrast that where if we had a new
3 transmission line running right through a
4 residential neighborhood, that would clearly --
5 that -- and that's often where we found that
6 condition showing up in the past, so we treated
7 that as what we called a categorical condition.
8 It seemed to be triggered by either a
9 reconductoring or new transmission line, or
10 perhaps some situation where there's a
11 transmission line that has never been capable of
12 being at its full capacity, and now, due to this
13 project, it would then be at its full capacity,
14 and so you have that potential to have a larger
15 magnetic field than what was present before.

16 MR. REEDE: See, the thing that bothers
17 me is -- or the concern of Dr. Obed was that
18 because you have field workers up under those
19 lines on a consistent basis, he was looking at any
20 potential impacts on them, which is why he
21 requested that a consultant measure.

22 MR. HALL: But those field workers are
23 under the main transmission lines, not in the area
24 where we're doing new conductoring.

25 MR. REEDE: Yeah, but agricultural land

1 abuts the substation, and transmission lines cross
2 the agricultural lines -- cross the agricultural
3 lands where the field workers are.

4 MR. HALL: Well, the question I have on
5 that, from an operational standpoint, is how do we
6 determine whether it's the operation of our
7 facility or just the balance within the grid
8 itself that's causing the changes. In fact, is it
9 diurnal, is it -- you know, when -- when do you
10 want this little point in time taken?

11 MR. REEDE: Well, that was one of the
12 reasons that he requested that the survey be taken
13 pre-energization, and post-energization.

14 MR. MCKINSEY: The problem with that
15 would be, though, when to take them. I mean, at
16 some times they're -- those lines are already
17 fully saturated. At other times, they might have
18 nothing. And so you could do a --

19 MR. HALL: That's --

20 MR. MCKINSEY: -- pre at one point, and
21 a post later, and have --

22 MR. REEDE: Right, I understand the grid
23 balance. But --

24 MR. MCKINSEY: Because that isn't like a
25 -- a single point of pulling out from that

1 station. Lines come through there. So there's
2 power being transferred through there all the
3 time, and -- in fact, it's three ways. And so --

4 MR. HALL: There's basically the 66 and
5 115, and the 220s that go through there.

6 MR. REEDE: Two --

7 MR. HALL: And so at any one time, that
8 -- that mix is going to be different. And so to
9 -- if we measured it today, with the station not
10 operating, and measured it a week from now with
11 the station not operating, you may end up with
12 radically different numbers, just because of
13 what's happening in the overall system.

14 MS. TOWNSEND-SMITH: I'm just curious.
15 I'm not as familiar with the T-Line Safety. Has
16 this -- is this -- this is a standard condition;
17 right?

18 MR. REEDE: Yes.

19 MS. TOWNSEND-SMITH: Okay. And so it's
20 been -- it's been done on a lot of previous cases;
21 right? Measurement.

22 MR. HALL: Transmission going from that
23 facility outward.

24 MS. TOWNSEND-SMITH: Right.

25 MR. HALL: To the substation. Whereas

1 the substation is right there.

2 MR. REEDE: The substation is on the
3 site.

4 MR. ABELSON: That's the point you're
5 making, John, is that you think there's something
6 fact specific about this case that takes it out of
7 the realm --

8 MR. MCKINSEY: Yeah, in fact it's not
9 really demonstrated -- when we were evaluating
10 this -- that condition --

11 (Inaudible asides.)

12 MR. MCKINSEY: This is Mountainview
13 Avenue, and San Bernardino Avenue. And this is
14 the substation. This is where our facility's
15 going to be. We're going to be running some lines
16 in to the substation, going directly between the
17 two properties. And so here you would have an
18 issue of EMF, but it would only be pertinent to
19 these new lines which are going to run from the
20 new facilities onto here. But the power that's
21 coming through the substation is often already at
22 peak values, and, in fact, it can go in different
23 directions on the different lines. And so there's
24 already maximum EMF effects at various times
25 occurring on the substation property.

1 So if we were going to have an EMF
2 impact it would make sense to figure out, you
3 know, how to go about calculating when to measure
4 it before and after, but we can't -- the only
5 thing we could measure would be here. But here,
6 this is no different than -- than simply, you
7 know, anytime you have a facility that has -- and
8 that's something that's pertinent to, if anything,
9 a worker safety issue.

10 MR. REEDE: John, in consultation with
11 the Chief of Compliance, we'll back off on the EMF
12 measurements.

13 HEARING OFFICER SHEAN: Well, let me ask
14 the same question. With that configuration are
15 you going to have interference problems? I mean,
16 you've -- your number two. I mean, is the reality
17 that there -- since this is all within the fence
18 --

19 MR. MCKINSEY: Which was our number two?

20 HEARING OFFICER SHEAN: -- the --

21 MR. REEDE: Your number two is identify
22 and correct --

23 MR. HALL: Radio signal interference, or
24 something like that.

25 MR. MCKINSEY: Yeah, we stipulated to

1 that.

2 HEARING OFFICER SHEAN: Okay. My
3 question would be, is if you're not going to have
4 EMF issues outside the fence, why would you have
5 radio --

6 MR. MCKINSEY: Well, EMF is very
7 limited, because it's the magnetic field emanating
8 around a power line, whereas radio interference is
9 potential across a great distance.

10 HEARING OFFICER SHEAN: Okay.

11 MR. MCKINSEY: We are going to have some
12 new lines and some new power being generated here,
13 and that could interfere with signals that are
14 normally coming through there to, for instance,
15 that residential area to the west and the south.

16 HEARING OFFICER SHEAN: Okay.

17 MR. MCKINSEY: So it made sense. We
18 didn't see that as being something that's confined
19 to the location of transmission lines. So that
20 one really looked to me -- looked to us like a
21 standard condition that's going to apply to every
22 power plant.

23 HEARING OFFICER SHEAN: Okay. We just
24 wanted an explanation. That's fine.

25 MR. ABELSON: Before we leave this

1 subject, I did -- I want to see if Chuck has --
2 Chuck Najarian has any feelings about this -- this
3 one I heard.

4 What I heard you doing as you were
5 starting to put the diagram up there, John, was to
6 explain that if there was any relevance at all to
7 those three little connector lines it would be
8 with regard to worker safety, because it's an
9 onsite basically, an onsite impact, as opposed to
10 an offsite impact.

11 And I'm not a technician, so if the
12 question is ludicrous, just -- you guys just smile
13 and ignore me. But, so I guess my question is, I
14 understand why we've all agreed to drop it as a
15 standard term and condition for general
16 transmission line safety and nuisance. But, John,
17 you'd suggested it might be an appropriate, or
18 more appropriate issue under worker safety, and I
19 Guess I want to just surface that and toss it up
20 again to -- to Chuck, and see what he thinks about
21 that.

22 MR. NAJARIAN: What's the -- what's the
23 Applicant's reaction to that?

24 MR. MCKINSEY: Well --

25 MR. ABELSON: Could it be a different --

1 MR. MCKINSEY: -- EMF --

2 MR. ABELSON: -- be a different
3 measurement that you -- I mean --

4 MR. MCKINSEY: EMF is a controversial
5 topic. As I understand it, it hasn't really ever
6 been documented to have impacts. Often it's done
7 for public concern over -- in fact, there was a
8 study that was done at one point that talked about
9 the impacts of electromechanical fields and -- and
10 magnetic fields on the human body. It was done by
11 somebody right over here in the Bay Area at the
12 facility, and then it turned out he -- he got
13 arrested and lost his grant for having modified
14 data.

15 I think that had been the most
16 substantiated report to date. So for a long time
17 there has been fears in the public about EMF, and
18 I think a lot of this -- this condition came about
19 as a way to show that even if electromagnetic
20 fields do have impacts on the -- on human living
21 tissue, that we're going to assess whether or not
22 that it could even potentially be so.

23 So as we go into worker safety, like a
24 lot of other areas, like if you'd look at nuclear
25 fields, whether nuclear radiation, when you talk

1 about the public, is one principle. When you talk
2 about workers, it's another. I don't know that
3 the -- the field is developed enough to try to
4 evaluate an actual impact issue from a worker
5 safety point of view for EMF fields, simply
6 because there isn't a lot of -- I don't think
7 there's anything that really documents effects of
8 electromagnetic fields.

9 MR. HALL: And, again, one of the issues
10 in the -- in the industry, though, is that workers
11 are constantly in this business exposed to
12 electromagnetic fields at great strength.
13 Generators, transformers. That's --

14 MR. ABELSON: Okay. Chuck, are you --
15 is that okay, then?

16 MR. NAJARIAN: Well, yeah. My -- my
17 advice was as to the other technical area, in
18 terms of how you could get a handle on what the
19 contribution would be here, and what's actually
20 happening outside the site boundary.

21 As far as worker safety, I think that
22 that testimony has to stand on its own. I'm --
23 I'm not even addressing that.

24 MR. ABELSON: That's fine. That's fine.
25 I just heard you mention it, and I wanted to

1 tighten up that -- that -- so that's clear.

2 MR. REEDE: Okay. So basically, with
3 the agreement to drop the EMF measurements,
4 Transmission Safety Line and Nuisance is
5 uncontested.

6 HEARING OFFICER SHEAN: There's a -- are
7 we going to use --

8 MR. REEDE: No, we're going to use
9 Staff's Number 1, so --

10 HEARING OFFICER SHEAN: And their Number
11 2.

12 MR. REEDE: And their Number 2.

13 HEARING OFFICER SHEAN: Okay. All
14 right.

15 MR. MCKINSEY: We agree.

16 HEARING OFFICER SHEAN: Okay. Then this
17 is not a contested area. We'll take it on
18 declarations.

19 All right. We said we'd revisit Worker
20 Safety, if anyone was attending who wanted to
21 discuss the matter. Is there anyone here who
22 does?

23 All right, we'll leave it as we had it
24 yesterday, which is there was no request for a
25 hearing, we'll take Worker Safety on declarations.

1 Okay. Should we do Plant Safety, is
2 that -- that's going to be quick.

3 MR. MCKINSEY: Which one is this?

4 MR. REEDE: Appearing for Staff, Officer
5 Shean, we have Mr. Charles --

6 MR. ABELSON: That was just a George
7 Bush-ism. He didn't --

8 (Laughter.)

9 MR. ELLER: Good morning. Prior to
10 beginning the meeting this morning I passed out to
11 folks a general conditions of certification page
12 that lists definitions, and I'd like to have those
13 inserted into my section of the Staff Assessment.
14 Those would be inserted on page 521 of the
15 document, immediately following the bottom header,
16 which says General Conditions of Certification,
17 prior to the Compliance Project Manager
18 Responsibility section.

19 We have found that there was some need
20 for clarity in the definition of what site
21 mobilization, ground disturbance, grading, and
22 construction meant, and we have provided this in
23 other cases. This was prepared shortly after I
24 filed my section, so we would like to add it to
25 ours at this time.

1 MR. REEDE: Right after the project
2 manager responsibilities?

3 MR. ELLER: No, just prior to it.

4 HEARING OFFICER SHEAN: Just prior to
5 it.

6 First of all, let me say, and I want it
7 on the record. I really appreciate what the
8 Compliance Unit has been doing in terms of
9 cooperation, insight and contributions to trying
10 to streamline, consolidate, and improve all
11 aspects of compliance. And so this is another
12 step in that direction, and this should be
13 acknowledged and on the record, and in the
14 proceeding. So, thank you.

15 We also -- I guess I'll let you talk
16 first, if there are -- further, if there's
17 anything you want to say. Again, I appreciate the
18 fact that at the request of the Committee you
19 produced the standard conditions back in August,
20 and filed them on September 1st. They were very
21 helpful for this case, and I see they live on in
22 the filings of the four month cases. And also, in
23 the compilation of the verification timetable.

24 As you've heard, the Committee does have
25 a continuing interest in trying to consolidate

1 where consolidation is possible, both for -- for a
2 number of reasons. First, that the public, if we
3 can demonstrate to them in some sort of a table or
4 other form the thoroughness and comprehensiveness
5 of the Commission's monitoring program, that ought
6 to, or at least we hope it will, instill
7 confidence on behalf of the public that not only
8 have we thoroughly examined the potential
9 environmental impacts, but when we do have a
10 mitigation measure or condition, that it will be
11 performed and someone will be watching to assure
12 that it's being performed. I think that's a
13 substantial public service.

14 In addition, if we can consolidate these
15 matters in a way that eases the administrative and
16 sort of bureaucratic burden upon applicants who
17 then have the responsibility of complying with all
18 those things, that's a -- that's a spinoff
19 benefit.

20 So having said that, for now, through
21 these workshops, we've just been asking, as the
22 matters arise, what and why, from the technical
23 perspective, drives the timeframe used in some of
24 the existing verifications. And I think
25 ultimately it's our hope to see if we can't

1 consolidate these a little bit further.

2 And in that respect, even though it has
3 not been scheduled, the idea, I think, at the
4 Committee level, is to conduct after -- after the
5 evidentiary hearing a Committee workshop for the
6 purpose of reviewing the compliance matters as to
7 triggers and submittals, so that we might delve
8 into this a little deeper.

9 That's really based upon what kind of
10 time is available to us to do that. We may find
11 that we don't have the time to do it and kiss the
12 whole thing off. Which would be unfortunate, but
13 we're going to attempt to do it.

14 And I guess there's one other matter
15 that has occurred to the Committee, and that has
16 to do with the -- the terms of the general
17 conditions here, and the application of the
18 current interpretations of Section 1769 of the
19 Commission's Regulations, with regard to the
20 modification.

21 The Applicant probably hadn't even given
22 this any thought, but part of the Committee's
23 thinking is that it may be that the interpretation
24 of what constitutes the modification of a
25 condition is being so tightly restricted by the

1 Commission that matters which are essentially non-
2 substantive changes which neither change the
3 intent or objective of a condition, which don't
4 add an impact, which don't affect the LORS
5 compliance, are being required to run a full
6 administrative and bureaucratic gamut that is
7 essentially not serving any public interest.

8 So I guess I know we've discussed this,
9 since I consider this an administrative or a
10 ministerial matter, whether or not it's possible
11 to come up with an -- a stated interpretation of
12 1769 that modification isn't just any change, that
13 modification should be interpreted to mean, as I
14 have just indicated, a change which alters in some
15 way the objective or intent of the condition which
16 adds or -- and/or which adds an impact, and/or
17 which fails to comply with applicable LORS.

18 In discussing this a little bit with Mr.
19 Abelson, we actually made some progress, and I'll
20 just throw out an idea, because I don't think
21 we're going to -- we're not going to get to where
22 we want to go today, but we want to start the
23 process. And if we do hold a workshop we will
24 include this in what we want to discuss.

25 And that basically is the idea that we

1 -- we have some models, one from a sister agency,
2 the Public Utilities Commission, in their advice
3 letter format, where if an applicant, for example,
4 requests that an element of a condition, let's say
5 you were -- had started a project as using the GE
6 Frame 7s, and so long as the -- there had been in
7 that -- in the decision a general prescription,
8 not a proscription, of the performance
9 characteristics that were being certified, and for
10 some reason that GE unit either was unavailable or
11 there was a better bargain somewhere else and you
12 could go get a -- a Westinghouse or a Siemens or
13 something different, which would meet the
14 performance criteria and not have any other added
15 impact and otherwise comply with LORS, that the
16 applicant could essentially apply to the
17 Commission and request, by advice letter or some
18 other means, the substitution of Westinghouse for
19 GE.

20 And I think when we look at the balance
21 here, it's a combination of streamlining, on the
22 one hand, so that the bureaucracy is not creating
23 undue red tape, or changes that don't have the
24 potential for a significant or substantive effect,
25 versus the protection of the public to assure that

1 there is no collusion between the regulators and
2 the regulatees which would allow actions that are
3 not in the public good take place essentially out
4 of the view of the public.

5 And so it might be, and I would like you
6 to just think about this, because I think the
7 Committee would consider presenting this to the
8 full Commission, some process like an advice
9 letter that would allow the applicant to make such
10 a request to switch manufacturers, state the
11 grounds for and indicate in the filing that it
12 would -- would not change the objective of the
13 condition nor add an impact, nor fail to comply
14 with LORS, and that the Staff then could issue an
15 advice letter which would indicate that they
16 reviewed it, they intend to do it, but that letter
17 would go out to a mailing list such as you already
18 have for the project, indicating that if no one
19 objects within a prescribed amount of time, that
20 this will move forward.

21 So that we have a safety net, on the one
22 hand, that we are able to streamline our process
23 when it's needed.

24 So I just want you to think about that.
25 If you have some other concept you'd like to deal

1 with, fine. Any suggestions along those lines
2 when we approach either the workshop or the
3 preparation of the Proposed Decision, I'd like to
4 hear about them.

5 MR. REEDE: Well, having come from the
6 Public Utilities -- or having escaped from the
7 Public Utilities Commission to the Energy
8 Commission, I've had to respond through advice
9 letters to regulated utilities' request for
10 changes, or decisions, so to speak. And having
11 worked in the decision making support branch, we
12 found that yes, it does speed the process
13 dramatically; that typically, with the 30 day
14 notice period, you don't get any takers. That the
15 change can be implemented very rapidly after that
16 30 days, because it's shown to the applicant that
17 they will have a decision within that 30 day
18 period.

19 However, one of the things that I've
20 noticed in the different applications for
21 certifications, as soon as a decision is issued on
22 a plant, the applicant's turning around with
23 brand-new modification -- major modifications, and
24 that has occurred on a number of the plants that
25 have been approved over the past year that I've

1 been here. So, you know --

2 MR. ABELSON: I think, again, this is a
3 subject that we can undoubtedly explore and
4 probably should explore further in a workshop.
5 But I think, as I understood what Mr. Shean was
6 doing, you create sort of a -- a threshold of de
7 minimusness. Basically, you have an assertion of
8 no impacts, no LORS changes, no, this is not a
9 biggie. This is a no brainer. And that may or
10 may not actually be true, but that's the assertion
11 that would even allow the possibility of an advice
12 letter. Otherwise, you'd stay with the more
13 conventional form of -- of an amendment.

14 So if it's a major, what you just
15 described, Jim, is a major modification. At least
16 under the idea, the way you're floating it today,
17 Garret, I guess that would -- that would still
18 follow the traditional path of -- of going to the
19 Commission.

20 MR. NAJARIAN: Yeah. The Commission
21 historically has looked at Section 1769, the
22 trigger for any project modifications, very
23 conservatively. And the suggestion here is that
24 there should be some flexibility in the trigger of
25 1769, perhaps. And that we see a lot of examples

1 of that in the Compliance program, where we engage
2 in a two to three month process, and we're
3 questioning why -- why we're doing it, because
4 essentially the change is extremely minor.

5 And it comes up specifically in this
6 case, again, because of the desire to try to
7 consolidate verifications and conditions. And the
8 concern that -- that we have in the Compliance
9 program that if you do that consolidation, you may
10 actually trigger more petitions for either
11 insignificant project changes or amendments,
12 because you have more detail that you typically
13 historically had in the verifications. And if you
14 move that detail into the condition, you could
15 actually trigger more amendments and cause delays.

16 So the flexibility in this case, in
17 particular, is probably important to consider.
18 Now, overall, in other cases, over the last two
19 years we made a lot of adjustments in helping
20 Staff craft conditions that were more flexible.
21 So we've been able to reduce some of this in the
22 normal case.

23 But again, in this case, where we're
24 trying to do more consolidation and more
25 streamlining, we have to be careful we don't

1 trigger more amendments, because that's, I don't
2 believe, the intent of the -- of the Committee.

3 MR. ABELSON: And what I have picked up
4 in talking with Mr. Eller yesterday, and also in
5 talking with Mr. Shean in the afternoon, at some
6 length, actually, about this subject, was that
7 there -- there seemed to be two different issues,
8 but they have the potential for overlap. As
9 you've just pointed out, Chuck.

10 There's the question from the
11 Committee's perspective of trying to see if
12 there's a way to consolidate what is the term --

13 MR. NAJARIAN: Verification.

14 MR. ABELSON: -- verification, I'm
15 sorry, consolidate verification processes which
16 triggered the memo from Mr. Therkelsen that
17 raises, Chuck, the very issue that you're -- that
18 you're talking about.

19 And then there's a second kind of
20 parallel track question of in general, are there
21 ways to make certain modifications or de minimus
22 modifications to -- to approved projects without
23 having to go before the full Commission.

24 And I think we have a real opportunity
25 here, at least potentially we do, through a

1 workshop or whatever, to make sure that the
2 problem that Mr. Therkelsen and you raised just
3 now, Chuck, doesn't compound or make worse a
4 related situation which we may have an opportunity
5 to improve generically, maybe through this advice
6 letter concept, or some variation of that, if the
7 Commission deems that they want to do it, because
8 ultimately it's their -- it's their regs and their
9 interpretation of the regs that has to apply.

10 But I respect and appreciate very much
11 Mr. Shean talking about the balancing act that
12 we're dealing with here. One is to streamline for
13 applicants, frankly for Staff, as well, but on the
14 other hand not to leave the public with a sense
15 that they didn't know what was going on and didn't
16 have a chance to have their say if they were
17 concerned about it.

18 And if we can somehow hit a balance on
19 both of those, consistent with whatever our
20 current regs allow and the statutes allow, then
21 we'll have a win/win and then hopefully we can all
22 say that that was -- this project had a lot of
23 public benefit, including that one. So we'll see.

24 HEARING OFFICER SHEAN: Okay. And the
25 last thing to potentially consider is whether or

1 not the general conditions of certification,
2 rather than being found individually in each
3 siting case, we shouldn't consider whether or not
4 to present that to the full Commission at the time
5 of the decision on Mountainview as a general
6 order, or something like that. And, of course, we
7 -- we may run into issues with OAL, et cetera,
8 but, you know, perhaps you can give us some
9 feedback on -- and ideas about whether or not
10 that's something that you think would be
11 advantageous, because then as the general order is
12 updated and either made more flexible or takes
13 care of an issue, it -- it reaches back, as well
14 as moves forward. It wouldn't be the kind of
15 thing where the prior orders would essentially be
16 updated by virtue of a general order.

17 And I don't -- maybe you operate that
18 way anyway, but it seems to me that will give
19 current and future -- or, previously certified
20 facilities the benefits of a learning and growth
21 and growth curve.

22 MR. NAJARIAN: Yeah. Our -- our general
23 condition section is essentially a template now.
24 For the last two years, when a project comes up,
25 one of the compliance project managers, who's ever

1 assigned to it, pulls it off of our S drive,
2 changes the title, and inserts it in a PSA or FSA.
3 So from our end, in terms of workload from our
4 end, it's not an issue. The only advantage I can
5 see is if you're trying to reduce the number of
6 pages in documents.

7 But I'll certainly consider that, and
8 get back to the Committee.

9 HEARING OFFICER SHEAN: Okay.

10 MR. ELLER: I would just add that this
11 section is generally what is in the package of
12 standard conditions that was issued, or sent in,
13 in this case, and is being used in the four month,
14 so.

15 HEARING OFFICER SHEAN: Yeah.

16 MR. ABELSON: I'm sort of just trying to
17 understand how this issue is elevating up here, in
18 terms of what you're trying to achieve. And
19 forgive me for covering ground that we've already
20 talked about.

21 But what I heard you say, Chuck, is that
22 we -- basically we have these standard, if you
23 will, standard terms that Staff routinely puts in
24 its PSAs and FSAs. Those may or may not, but most
25 often do end up in the final decisions as a

1 practical matter, because they're so standard.

2 And, in fact, Mr. Shean has asked for such a thing
3 and the Applicant was kind enough to work with
4 Staff and develop that for the purposes of where
5 we are.

6 What I hear you talking about, Garret,
7 is the possibility of elevating that whole thing
8 to not just a Staff set of standard conditions, or
9 the Applicant's proposal in this particular case,
10 but what you're calling a general order, which
11 would basically be the Commission is serving
12 notice that forthwith, you know, please see these
13 things because the following things, as updated by
14 the Commission -- because it would have to be a
15 Commission level update -- are going to be
16 applying, and there would be some customized
17 things beyond that.

18 Is that -- is that --

19 HEARING OFFICER SHEAN: No, no. No.

20 MR. ABELSON: -- is that my --

21 HEARING OFFICER SHEAN: I'm only talking
22 about the section that they generally regard as
23 theirs. That -- that portion of the FSA, or SA,
24 that they call general conditions of compliance.
25 I am not intending to extend this down into

1 substantive areas.

2 So, yeah, that -- even that would freak
3 me out. Or that would freak even me out. So no,
4 we have no intention to do that.

5 MR. ABELSON: I think I may have -- all
6 I meant was that that -- that that general
7 template would now become a standard template in
8 all cases.

9 HEARING OFFICER SHEAN: That -- no
10 portion, right. Okay. Thank you very much.

11 MR. ELLER: One housekeeping matter
12 before we close. I note from the project
13 description that the construction is scheduled to
14 start at the end of January, if the project is
15 approved by the Commission. That would put timing
16 for compliance issues beginning 60 days into later
17 this month. So we probably should start talking
18 very quickly about how to proceed on compliance.

19 HEARING OFFICER SHEAN: Okay. Good
20 enough. Thanks.

21 Okay. Water. Water, water, water.

22 MR. REEDE: Officer Shean, I'd like to
23 introduce Ms. Lorraine White, and Ms. Linda Bond.
24 They're discussing the issues related to Soil and
25 Water.

1 I would like to start out, though, by
2 getting the issues, or getting the conditions
3 resolved that there is no problem with. Staff is
4 -- and going to our conditions comparison,
5 starting out with San Bernardino County grading
6 permit, down through the end. Because the
7 Applicant will stipulate to those, we won't even
8 bother to discuss them.

9 MR. HALL: I think the grading permit
10 would be under the City of Redlands.

11 MR. REEDE: Okay, so that would be --
12 that would be the change?

13 MR. HALL: That's one.

14 MR. REEDE: Okay. So that will be Staff
15 condition Soil and Water 4, and that's --

16 MS. WHITE: That's correct. You -- the
17 city has actually annexed the property now; right?

18 MR. MCKINSEY: It will be --

19 MR. REEDE: Within the next two weeks.

20 MS. WHITE: Okay. That's fine. We're
21 okay with that. Within the next two weeks, you
22 say? Okay.

23 MR. MCKINSEY: Yeah. Well, you know, we
24 had a long dialogue about this yesterday, and we
25 -- we've already gone through all the steps,

1 except we had -- we have a 90 day appeal period
2 that we're actually able to challenge the
3 annexation, and we -- we were going to hold that,
4 but now, given that that made everybody a little
5 nervous, we're dropping that right for appeal,
6 which means the next LAFCO meeting would be the
7 second pro forma final approval of what they've
8 already approved for the annexation.

9 So in our mind, we're really already
10 annexed, and we -- and when we drop the appeal
11 there's nothing we can do to stop it.

12 MS. WHITE: Okay. That's fine. City of
13 Redlands, and then all we'll need to do is make
14 sure that we represent the appropriate department
15 that would be issuing --

16 MR. MCKINSEY: Yes, planning.

17 MS. WHITE: Yes, the planning
18 department. Okay.

19 MR. ELLER: And then I wanted to
20 introduce -- I think everybody here -- well, not
21 everybody, but Dennis Maslonkowski has been our
22 Water Resources consultant, and we brought him
23 here for purposes of talking about all the
24 conditions that --

25 MR. REEDE: Okay. On the other Staff

1 conditions 5 through 14, are you willing to accept
2 those through stipulation, or --

3 MR. MCKINSEY: We have a couple of ones
4 we wanted to get clarifications about, and/or --
5 they're pretty minor things. I never did find out
6 what a frac-out contingency plan is, on Soil and
7 Water 5.

8 MS. WHITE: Sure. You're going to be
9 directionally drilling, I understand, under one of
10 the water courses. And we recognize that you will
11 be doing it during the dry season. But
12 nonetheless, there is a possibility that as you're
13 drilling, the drilling muds could break through
14 the soils and -- and work their way out from the
15 hole you're drilling. And that's called fracking
16 out.

17 And so usually, when you do a
18 directional drilling activity, you also have to
19 develop a frac-out plan that includes things like
20 the drilling monitoring, pressure monitoring, and
21 looks at the steps you take if a frac-out occurs,
22 to ensure that that mud doesn't -- doesn't seep
23 into the soils and that eventually could
24 contaminate water.

25 So it --

1 MR. HALL: Yeah. They can control that
2 with chemistry.

3 MS. WHITE: -- it's a normal type of
4 thing.

5 MR. HALL: They usually control that
6 with chemistry, I believe. Moss circulation
7 additives, and things they can put in there for
8 that.

9 MS. WHITE: You can do some of that.
10 You can also actually just sometimes if you catch
11 it early enough, the soils will collapse back on
12 themselves. You can readjust the -- the drill,
13 and you won't -- the frac -- the fracture will
14 actually seal itself. But you have to -- you have
15 to be watching it in order to catch it in time.

16 And usually, those are pretty
17 straightforward plans that I have seen, and they
18 just -- they kind of lay out that, yeah, you know
19 what you're doing.

20 MR. MCKINSEY: And then on -- and that's
21 fine, that -- that answers my question, because
22 that was a new term for me.

23 HEARING OFFICER SHEAN: While we're
24 still on 5, okay?

25 MR. MCKINSEY: Yeah, that's fine. We

1 just -- I wanted to make sure I knew what -- what
2 it was.

3 HEARING OFFICER SHEAN: Well, I'd just
4 like to check this language so I make sure that we
5 have something we think we know we're agreeing on.

6 Let's see. About the middle of the
7 paragraph of the condition itself, plant also
8 needs to provide for remediation in case a frac-
9 out occurs during the -- followed by a potential
10 boring led contamination. Okay. We understand
11 that. All right.

12 Next, the -- an extensive monitoring
13 program needs to be implemented during the boring
14 operations. Do you have -- is the -- is that part
15 of the plan? Is that --

16 MS. WHITE: It -- it needs to be --

17 HEARING OFFICER SHEAN: -- a monitoring
18 protocol, or something like that?

19 MS. WHITE: Yeah. And it could be
20 things like monitoring mud volumes and -- and
21 essentially the things that you're going to do,
22 and you basically lay out -- usually it's just
23 reiterating on paper what the drillers will be
24 doing, anyway. Because it's in their best
25 interest to make sure that their -- their

1 activities are most efficient, so they're going to
2 be looking at this stuff anyway. But we just want
3 to make sure that, in fact, those things will
4 occur.

5 HEARING OFFICER SHEAN: Okay. Then the
6 next sentence, other aspects of the plan need to
7 address contacting all agencies that have
8 jurisdiction within the Santa Ana River and
9 informing them of the proposed boring operation.

10 What --

11 MS. WHITE: That's probably just going
12 to be two agencies. We want to make sure that the
13 two agencies would know when they're going to be
14 drilling.

15 HEARING OFFICER SHEAN: And the purpose
16 of that is so they could either have onsite
17 inspectors or just know, or what --

18 MS. WHITE: It will leave it up to those
19 agencies if they need to come out, make sure that
20 any of their concerns are being addressed. What
21 -- what you see here in the conditions we've put
22 forward, and I want to back up where you are, Jim
23 -- or James, but we went from doing a Preliminary
24 Staff Assessment to a Staff Assessment in about a
25 week, so you will see a lot of things in here that

1 we, because we don't already have those documents
2 in hand, wanted to make sure that they were in
3 place and the Applicant knew what the expectations
4 were going to be for normal procedures.

5 Most of these things are just
6 reiterating stuff that we expect they will be
7 doing, anyway.

8 HEARING OFFICER SHEAN: Okay John, this
9 sufficiently clear that you think you know what
10 you -- to compile it? Okay.

11 MS. WHITE: And we haven't already seen
12 a lot of these plans, which we'd normally see
13 between -- or just before the PSA, but certainly
14 before the FSA. And so since we're -- we're
15 trying to cooperate and move this thing along, we
16 are expecting that we lay out what we want to see
17 in the plan so that when we do get them there's
18 not a lot of having to discuss things back and
19 forth. That you guys will already know what we
20 expect to see in the finals.

21 MR. HALL: This could be inclusive of
22 drillers locks, and this type of --

23 MS. WHITE: Yeah.

24 HEARING OFFICER SHEAN: All right.

25 That's fine. I just wanted to round out a little

1 information, since we're -- if we're going to not
2 have a full-blown evidentiary hearing on this,
3 we'll at least have some understanding of what it
4 is that you're asking for, and why. Okay.

5 MS. WHITE: And -- and we do ask for a
6 little bit more detail in here than we would
7 normally ask for, because we are trying to cut out
8 a few steps.

9 HEARING OFFICER SHEAN: Okay.
10 Understood.

11 MS. WHITE: And so --

12 HEARING OFFICER SHEAN: All right.
13 John, you -- you were basically going through a
14 review of these.

15 MR. MCKINSEY: And then with SOIL-1 and
16 2 --

17 MR. REEDE: Well, I wanted to get all
18 the easy ones out of the way first.

19 MR. MCKINSEY: These are real easy.

20 (Laughter.)

21 MR. MCKINSEY: That was easy.

22 MS. WHITE: We were hoping all of them
23 were easy.

24 MR. MCKINSEY: On SOIL-1 and 2, the --
25 we already have an existing NPDS, for instance,

1 and -- and we were -- we didn't know if we had
2 these clear enough to explain whether what we're
3 talking about is modifying our existing NPDS
4 should we have to keep it, or if we're talking
5 about trying to get a separate NPDS, in addition
6 to the one we have for the existing. So --

7 MS. WHITE: What we had trouble with
8 obtaining from the regional board was
9 clarification. We expect that we wanted to break
10 up the conditions for your operation and your
11 construction, anyway.

12 But it appeared to us that your existing
13 operational NPDS permit would not cover the
14 construction activities. You will more than
15 likely have to get a construction related NPDS
16 permit, or at least a waiver of that. And so
17 Condition 1 speaks to the construction activities,
18 and it may be that you just come back to us and
19 show us that the regional board has given you a
20 waiver for that, because you've demonstrated to
21 them that you would comply with those requirements
22 and have a zero offsite discharge.

23 But it's not clear to us right now,
24 based on the existing information and our
25 discussions with the board, if they'd buy off on

1 that. So we wrote Condition 1, under the
2 assumption that you would still have to get that
3 construction, general construction permit.

4 But we would accept a waiver if you get
5 one from the board. And that would satisfy one,
6 for us.

7 MR. MCKINSEY: Let me read this just for
8 a sec.

9 MS. WHITE: And in that waiver, you
10 probably have demonstrated that your existing
11 storm water pollution prevention plan would cover
12 your activities, and so you'd just provide us with
13 a copy of that and how your construction
14 activities are consistent with that storm water
15 pollution prevention plan.

16 And just -- it's essentially you just
17 demonstrate --

18 MR. MCKINSEY: Yeah, it may be a
19 modification of what we have, because it seems,
20 you know, just mentally, it seems like they may
21 want to change the monitoring points because the
22 topographical shape of the surface would change
23 so.

24 MS. WHITE: And that -- and that'd be
25 fine with us. As long as the board's okay with

1 it, and the board is satisfied that you've
2 demonstrated you're going to -- you're going to
3 ensure that, you know, your plans are consistent
4 with the -- with what they've already approved.

5 MR. MCKINSEY: The -- what we discussed
6 I think is fine. The other thing -- and it's an
7 overriding thing that's come up a couple other
8 times, is we've spoken about -- in several other
9 areas, about separating the gas pipeline and
10 triggering issues for it from the site.

11 The site construction has a timeline
12 that requires that it start much sooner than the
13 gas pipeline does. And the gas pipeline is so
14 long that in and of itself, it's even going to
15 probably occur in some phases. And so a couple
16 other times we've -- we've identified where
17 conditions that we need to separate out the -- the
18 all construction commence, and say construction
19 for the pipeline, as opposed to construction for
20 the site.

21 In the case of the gas pipeline, that's
22 really pertinent, because we're going through a
23 lot of cities, and in each one of those cities we
24 have to go through a process with each one of them
25 to finalize the -- and we have to develop, you

1 know, a construction timeline and -- and
2 timeframe. So this is a good example of where
3 we're not going to have a lot of the details
4 resolved probably for a year on the gas pipeline,
5 simply because we don't have to start it, the gas
6 pipeline construction, for at least a year.
7 Whereas the -- the site construction, we do.

8 And so what we want to try to accomplish
9 in some places in this is one of them is the
10 ability to -- to do the permitting for the -- the
11 site separately from the -- and the approvals that
12 we would need, separate from the gas pipeline, in
13 terms of what triggers the prior to start of.
14 Where we just say prior to start of construction,
15 that would include by definition the gas pipeline.

16 So we would have to have all the gas
17 pipeline issues resolved prior to starting
18 construction of the facility.

19 MS. WHITE: Would you want me to
20 consider that for Soils and Water 3, too?

21 MR. McKINSEY: Yeah. There's several
22 here in Soils and Water --

23 MS. WHITE: I think it's one and three
24 that would call for everything at once.

25 MR. McKINSEY: The -- so one way to

1 accomplish that, you know, it's really a little
2 language game. It's more whether the concept is
3 -- is acceptable or not.

4 MS. WHITE: Do you have suggested
5 language you want me to look at?

6 MR. MCKINSEY: No, not yet.

7 MS. WHITE: Okay. I'd be willing to
8 look at it when you get it. In the meantime, I'll
9 take a look at this and check with the board, and
10 those cities, and see how they -- you know, we try
11 to reflect as much of their timeline as possible.
12 But I also want to make sure that we have adequate
13 time to review what you're doing, too.

14 MR. MCKINSEY: Right. Well --

15 MS. WHITE: So we'll -- we'll probably
16 be backing it up.

17 MR. MCKINSEY: Our idea is to -- to have
18 the same -- really the same concept, which is to
19 separate the gas pipeline from the site. That's
20 all.

21 MS. WHITE: Yeah. And they're --

22 MR. MCKINSEY: So even -- we do have to
23 get the whole gas pipeline picture put together
24 before we can break ground and start, and, you
25 know, do grading or anything else for any part of

1 the gas pipeline.

2 MS. WHITE: Yeah. And what I'm talking
3 about is, you know, when we say 30 days prior to,
4 if -- if you guys are still okay with that
5 timeline it'd probably be the same, 30 days prior
6 to breaking ground for the pipeline. We'd
7 probably keep that the same.

8 MR. MCKINSEY: Okay.

9 MS. WHITE: But, yeah, I -- I'd be
10 willing to consider it.

11 MR. MCKINSEY: Yeah. So the language --
12 yeah, the language is easy for me to do, because
13 all, you know, all it really is is prior to
14 breaking ground for the pipeline you have to
15 accomplish this, prior to breaking ground for the
16 -- 30 days prior to breaking ground for site
17 construction, you have to accomplish portions of
18 it.

19 MS. WHITE: I don't want to break out
20 the water lines from your site construction,
21 though. I'd be willing to do it primarily just
22 for the gas line.

23 MR. HALL: Well, actually -- actually,
24 the water line's gone away.

25 MR. MCKINSEY: Yeah. And in fact, one

1 of the other things that --

2 MS. WHITE: Oh, you don't have a water
3 line.

4 MR. MCKINSEY: We don't have a water
5 supply line. We're using an existing one. So the
6 only water line we have is that connector in the
7 golf course.

8 MS. WHITE: And that waste discharge
9 line.

10 MR. MCKINSEY: That -- that's what that
11 connector to the waste discharge line, that's it.

12 MS. WHITE: Oh, the connector? Okay,
13 yeah.

14 MR. MCKINSEY: The water supply line, we
15 don't require, because we're using -- the City of
16 Redlands is providing water, and actually we've
17 been using a line that's in the street for the
18 reclaimed water, and the other wells are onsite.

19 MS. WHITE: Right.

20 MR. MCKINSEY: So that's appeared in a
21 few places in the AFC, where there was a water --
22 the original proposed water supply line was being
23 --

24 MS. WHITE: Did we not catch that when
25 we wrote up the SA?

1 MR. MCKINSEY: No.

2 MS. WHITE: Okay. I'll have to update
3 that. But --

4 MR. MCKINSEY: So -- but it -- our only
5 issue is where it's in the conditions. So the
6 golf course water supply line --

7 MS. WHITE: Okay.

8 MR. MCKINSEY: -- is something -- that's
9 actually something we wanted to accomplish right
10 away, so it would be right in -- right in step
11 with our construction of the site. So we would do
12 those together. It's just this gas line is a
13 tremendous undertaking in and of itself, that
14 really -- and it has -- it has a different group
15 of people that are trying to accomplish it, and it
16 deals with a lot of entities that have nothing to
17 do with the site. And so we found that it seems
18 to make sense when we forward into construction to
19 try to do them separately.

20 MS. WHITE: Right. Then what I'll do is
21 when we massage the condition, separate out the --

22 HEARING OFFICER SHEAN: Well, usually
23 what we've been doing here, and I think it's -- we
24 should stay consistent with the practice, is to
25 have you guys prepare whatever draft you -- they

1 want --

2 MR. MCKINSEY: Because our -- give you
3 the language they're talking about --

4 MS. WHITE: Right. Okay.

5 HEARING OFFICER SHEAN: And then you'll
6 have a chance to look at it, and before we have
7 our evidentiary hearing on the 16th of November,
8 if you have any comments with regard to what
9 they're proposed, you can pass them here on
10 through James, or in some other way can get them
11 to the Committee.

12 MS. WHITE: Sounds good. How about two?

13 MR. MCKINSEY: Two is tricky --

14 HEARING OFFICER SHEAN: I'm sorry. Can
15 -- go ahead, I'm -- go ahead.

16 MR. MCKINSEY: The -- but I think we're
17 -- we've got the same understanding. The idea is
18 that the key word in there is the if an NPDS
19 permit is -- is required, because our goal is to
20 do the -- and -- the onsite. And didn't we
21 develop some language for this?

22 MR. HALL: I think -- I think basically
23 our understanding with talking with the Regional
24 Water Quality Control Board, was that we would
25 modify the existing permit, or eliminate it

1 entirely in the configuration. You know, right
2 now our plan is to go zero discharge, which takes
3 away the necessity of an NPDS permit. So that's
4 what our -- our plan is right now. But we were
5 going to leave that open to the time, because as
6 far as the board's concerned, that NPDS that we
7 have now is active until we rescind it.

8 MS. WHITE: And what we're trying to do
9 here, and actually I'm focused more on the
10 verification, is to have a demonstration and
11 verification from the board that the modifications
12 are sufficient, or the existing permit is
13 sufficient.

14 MR. MCKINSEY: Okay, that's what we
15 wanted to make sure, is that it would be -- well,
16 see, we would either be dropping it and going
17 under the general industrial storm water, or we
18 would be modifying it, our existing one. But we
19 wouldn't be getting a new NPDS. That was that we
20 were getting at.

21 MS. WHITE: Right.

22 MR. MCKINSEY: That's what we understood
23 our -- our choices were from the regional board,
24 is we -- we could try and modify our existing
25 NPDS, but they -- it wouldn't be a new one, it

1 would be a modification of our existing one. Or,
2 we would go under the general industrial
3 activities.

4 MS. WHITE: And we understand that.
5 We're actually just writing this in the
6 affirmative, in the event that you need one. If
7 you don't need one, the verification kicks in and
8 just says well, we want you to demonstrate.

9 MR. MCKINSEY: Okay, that makes sense.

10 MS. WHITE: And so I expect that you'll
11 be able to come back with your verifications that
12 you provided to the board, and their confirmation
13 that your modifications are either acceptable
14 under the existing permit, or the existing
15 permit's fine. And that would be satisfactory to
16 me.

17 MR. MCKINSEY: Okay. That takes us with
18 the -- the language that we've committed providing
19 for one and three, on separating out the gas
20 pipeline, that takes us just up to the discussion
21 of 12 and 13. The rest of them are fine.

22 MS. WHITE: Okay.

23 MR. REEDE: Okay. So we're saying six
24 through twelve --

25 MR. MCKINSEY: Six through eleven.

1 MR. REEDE: Six through eleven, you're
2 accepting by stipulation?

3 MR. McKINSEY: Yeah. And actually, we
4 may accept 12, but we may decide there's a way to
5 modify 12 to help make 13 make sense.

6 MR. REEDE: Okay. So you -- and I
7 apologize for having stepped out of the room for a
8 minute.

9 MR. McKINSEY: We made a commitment on
10 one and three, to provide some language --

11 MR. REEDE: Okay. One and three are
12 okay?

13 MR. McKINSEY: -- for evaluation. And
14 two is fine.

15 MR. REEDE: And two is fine.

16 MR. McKINSEY: Four, with the City of
17 Redlands Planning Department should be the entity.

18 MR. REEDE: Okay. Now, the Applicant
19 had included their stipulations four through nine
20 regarding the use of flowmeters on wells and
21 delivery systems.

22 MR. HALL: You captured that, I thought,
23 in your -- in your nine here.

24 MS. WHITE: I'm sorry, what?

25 MR. HALL: On -- on metering and --

1 water usage is in your Number 9, I believe.

2 MR. REEDE: These -- that --
3 stipulations. Because I e-mailed everybody a
4 while back.

5 MS. WHITE: The e-mail that I received
6 was blank, so I did not get a copy of those.

7 MR. REEDE: Okay. Well, then let me
8 give these to you. And why don't, Officer Shean,
9 we take about a five, ten minute break so they can
10 review them very quickly. And if they're
11 acceptable, we'll just include these with our
12 conditions.

13 HEARING OFFICER SHEAN: Okay. But we're
14 looking for --

15 MS. WHITE: What -- I'm --

16 HEARING OFFICER SHEAN: -- not being
17 duplicative.

18 MR. McKINSEY: All we've been doing is
19 where we had stipulated to conditions that weren't
20 in the Staff Assessment, we're seeing which ones
21 of the ones we stipulated you want us to get in to
22 this as conditions, versus --

23 MR. REEDE: And it starts at Number 4.

24 MR. McKINSEY: In some cases we've
25 stipulated to conditions that are --

1 HEARING OFFICER SHEAN: Okay.

2 MR. MCKINSEY: -- already closed, and --

3 MR. ABELSON: This is four through nine,
4 John, of your list?

5 MR. MCKINSEY: Yeah.

6 MR. ABELSON: And you're thinking all
7 that is already existing in our -- in our nine,
8 Staff's nine?

9 MR. MCKINSEY: I don't know if all of
10 them are or not. I think --

11 HEARING OFFICER SHEAN: I --

12 MS. WHITE: Is this alternative language
13 that you're --

14 HEARING OFFICER SHEAN: All right.

15 Let's just -- we'll go off the record at this
16 point.

17 (Off the record.)

18 HEARING OFFICER SHEAN: All right.

19 Let's go back, and we were -- I think we were at
20 the point of trying to determine which of the
21 Applicant's stipulated conditions for water were
22 unnecessary or duplicative of those offered up by
23 the Staff.

24 MS. WHITE: Okay. First we want to
25 start with the ones that should have been in our

1 Staff Assessment, included verbatim from those
2 stipulated by the Applicant. They include WATER-
3 6, WATER-7, and WATER-9. And --

4 HEARING OFFICER SHEAN: So you want
5 those in?

6 MS. WHITE: We want those in. Actually,
7 that was an oversight on our part.

8 MS. BOND: And didn't you want to
9 discuss this one?

10 MS. WHITE: And the one we want to
11 discuss. because we're unclear on it, is WATER-4.
12 In the materials that we've reviewed, we've seen
13 no discussion of water injection into the wells.
14 So we're a bit confused about the -- particularly
15 the first sentence in that condition, and the
16 first bullet. Do you actively inject into your
17 wells currently?

18 MR. MCKINSEY: No. No, actually this
19 comes from a condition that I think every project
20 has had, just about. And so that one line there,
21 under verification, has been there in all the
22 projects, even though they don't plan on doing it.
23 And we just adopted that language.

24 MS. WHITE: Okay. You don't want to
25 adopt that.

1 MR. MCKINSEY: No.

2 MS. WHITE: Four will not be in a
3 condition on your --

4 MR. REEDE: Well, no. No, no, no.

5 MS. WHITE: Because --

6 MR. REEDE: Delete that reference to
7 objection, rather than throw out the entire four.

8 MS. WHITE: Well, I think -- I think we
9 cover the other things that we want to see --

10 MR. MCKINSEY: Yeah, that's what we were
11 thinking, we thought four was embodied --

12 MS. WHITE: -- so four should not be
13 included.

14 MR. REEDE: Four should be thrown out
15 altogether.

16 MS. WHITE: Altogether.

17 MR. REEDE: Okay.

18 MS. WHITE: The only ones we will want
19 are six, seven, and nine.

20 MR. ABELSON: What happened to five?

21 MS. WHITE: Five is already in our --
22 our Staff Assessment conditions, and it's in --

23 MR. MCKINSEY: Your eight.

24 MS. WHITE: -- I think it's our eight.
25 Yeah. Where we're talking about a limit of 750

1 acre/feet a year.

2 MR. ABELSON: So for the process that
3 we're doing here, their five goes out as well,
4 because we already have it.

5 MS. WHITE: Right. The only ones we
6 want to add to the Staff Assessment are six,
7 seven, and nine.

8 Now, you have questions and concerns
9 about 12, 13, and 14. So --

10 MR. MCKINSEY: Yeah. Well --

11 MS. WHITE: Do you want to -- do you
12 want to just work -- let us know what your
13 concerns are, and maybe we can work them out right
14 now.

15 MR. MCKINSEY: First on 14, we wanted to
16 know if 14 was designed to be part of the idea
17 that 13 was trying to accomplish. It lists five
18 wells that we're going to monitor. And 13, as you
19 guys indicated, we still need to figure out some
20 of the concept behind 13. And so we're -- 14 came
21 after, we didn't know if the purpose of monitoring
22 these wells was designed to be part of -- of what
23 13 was. In other words, why these five wells
24 here.

25 MS. BOND: Essentially, those were wells

1 that you had indicated you were going to be
2 monitoring anyway. And --

3 MS. WHITE: To determine if there is a
4 possibility for interference.

5 MR. MCKINSEY: Right.

6 MS. WHITE: And that's not in this
7 recent set of stipulated conditions. It was in
8 the previous --

9 MS. BOND: It was in your text.

10 MS. WHITE: Yeah.

11 MR. MCKINSEY: Yeah. No, the reason why
12 I'm asking is because that's what 13 had to do
13 with, was interference. But it calls for a
14 broader scope than just five wells, it looks like.

15 MS. BOND: Yeah. Essentially, what
16 we're interested in doing is -- is having you run
17 specific aquifer tests. The reason why monitoring
18 the nearby wells in itself, once the project
19 starts going, may not provide us with the
20 information we need, is that you don't know what
21 other wells in the region are turning on and off.
22 And it's going to be harder to determine -- to
23 separate out your project's impact from other
24 pumping going on in the basin. That's the --
25 that's the primary thing.

1 The main reason, though, I did go ahead
2 and include 14, was that you had stated in the AFC
3 that you intended to monitor these. And I thought
4 okay, let's go ahead and -- and put that in there,
5 and we can discuss it at the hearing or the
6 workshop, and decide whether that's --

7 MR. MCKINSEY: Okay. That makes sense.
8 Now, let me talk about 13.

9 MS. BOND: Okay. All right.

10 MR. MCKINSEY: Because that's the main
11 one we -- we need to I think figure out.

12 MS. BOND: Okay.

13 MR. MCKINSEY: We've -- on its face, 12
14 makes sense to us. So it -- we really don't have
15 an issue with 12.

16 MS. BOND: All right.

17 MR. MCKINSEY: But we may want to,
18 depending on how we try to resolve the discussion
19 of interference and impacts with the middle
20 aquifer, we might want to change 12.

21 One of the reasons we went to the middle
22 aquifer is we -- the more we looked at it, the
23 more we perceived our use of the middle aquifer as
24 literally being a benefit.

25 MS. BOND: Yes.

1 MR. MCKINSEY: And so it surprised us,
2 candidly, to -- to have use of the middle aquifer
3 turned around to --to what looks like an
4 assessment of being an impact that we need to
5 compensate for. And so then when we read 13, we
6 went back and we reevaluated what was going on in
7 the middle aquifer, using your assessment, using
8 the assessment that Dennis did, and increasingly,
9 as we really began to look at where the plumes are
10 going and the number of wells being shut down, the
11 number of other users of water switching to the
12 lower, the more we became really convinced that
13 our use of the middle aquifer is being offset
14 completely. In fact, it may have already been
15 completely offset by the dropping, or the
16 discontinuation of other people pumping from the
17 middle aquifer.

18 MS. BOND: So you're saying that there
19 won't -- that the changes in water levels caused
20 by your project will be simply offset. Other
21 people have stopped pumping, and so you're okay.
22 I can see that argument.

23 MR. MASLONKOWSKI: In fact, the net
24 effect will be less than what would be estimated
25 here.

1 MS. WHITE: Oh.

2 MR. McKINSEY: These -- all these wells

3 --

4 MS. WHITE: Okay. If you want to take
5 it as a net effect.

6 MR. McKINSEY: -- here have already been
7 discontinued.

8 MR. REEDE: A microphone, please.

9 MS. WHITE: You can -- you can do a song
10 and dance too, if you want.

11 MR. McKINSEY: All these wells here, in
12 the -- that are highlighted in the fluorescent
13 color, are discontinued wells. And we use the --
14 the orange and the pink to mark where the
15 contamination from these plumes -- there's
16 obviously the other plume coming down this way --
17 has already -- already hit the middle aquifer
18 wells. The orangeish-brown color is the
19 perchlorate plume, which you can see has gotten
20 very extensively, and then the other one is the
21 TCE plume, which is starting to make its way into
22 these middle aquifer wells over here but hasn't
23 entirely.

24 This area here, these wells are
25 inactive, so obviously there's not as much

1 information available for them. But clearly, a
2 connection to the discontinuation of these wells
3 is the existence of the -- the plumes.

4 All the new wells that are going in,
5 which we -- we indicate, the non-middle level
6 wells are -- have a little note after that either
7 says they're a shallow well or a lower aquifer
8 well, are marked in red, and you can see that the
9 new wells that are going in, and it also shows up
10 in a few other places, are all lower aquifer
11 wells.

12 And so we started looking at the -- and
13 then, in addition, it would appear that this --
14 and as we've noted over the next 30 years, the --
15 the extent of contamination in these -- in these
16 wells and in the aquifer is going to get -- in
17 other words, concentrations are going to get
18 higher and higher.

19 There has been one instance where the
20 City of Riverside is trying to continue to use the
21 middle aquifer and filter it, and their costs in
22 doing that are pretty darn high. And as the
23 contamination levels increase, their costs are
24 going to grow tremendously. So it's not really
25 clear how long they'll continue to do that.

1 But other than that, the only real trend
2 that's going on is that everybody's trying to
3 discontinue their use of the middle aquifer.

4 MS. BOND: Right.

5 MR. McKINSEY: So we're going to be
6 pulling, in theory, we're being permitted to be
7 able to pull up to 5,000 acre/feet of water out of
8 the middle aquifer, and we began looking at the
9 amount of discontinuation. And what we -- we
10 concluded is that there's clearly much more than
11 5,000 acre/feet of water no longer being pulled
12 out, and/or more that will be dropped in the
13 future. And we felt that that was kind of one of
14 the reasons why our use of the middle aquifer not
15 only wasn't an impact, but it was a benefit.

16 And so we're not convinced, from an
17 impact purpose, why we would need to compensate
18 well users if -- well, if draw-down were to occur.
19 And the bigger point is that if draw-down were to
20 occur, it's not going to be due to our pumping.
21 It may -- there may be something else going on.
22 But clearly, in terms of the overall use of the
23 middle aquifer, there's going to be less pumping
24 from it in the future than there is right now.
25 And then that -- that'll only get greater as we

1 get towards the end of the project life of 30
2 years.

3 So what makes sense for us, and as you
4 point out in your assessment, to try -- and
5 actually, Dennis should take over here because we
6 understand that we made some estimates of what the
7 characteristics of the middle aquifer were, and we
8 need to confirm those after we establish our
9 wells. But what wasn't as clear to us is why --
10 and also, how difficult it's going to be if we
11 were to try to do it, how much and who to
12 compensate for increased cost of pumping from the
13 middle aquifer, even should it occur.

14 Dennis.

15 MR. MASLONKOWSKI: That's essentially
16 right. We -- we agree that we would, because we
17 did not have any existing production wells in the
18 middle aquifer, we have not conducted any of the
19 aquifer testing in the middle aquifer, and that
20 with the installation of the new production wells
21 we would want to go ahead and do aquifer testing
22 on those, and monitor water levels in more wells
23 than we would propose for the historical, or the,
24 you know, monitoring -- long term monitoring.

25 So we -- we would want to look into

1 monitoring some of these additional wells during
2 the aquifer test itself. But as John said, you
3 know, what -- we already have the -- the two City
4 of Loma Linda Mountainview wells, that they're
5 already taking those offline, and those were
6 pumping from the middle, or a combination of
7 middle and lower. So some of that, the draw-down
8 that we would've seen from that, is being
9 eliminated so that the overall impact is going to
10 be less.

11 MS. BOND: Well, first of all, we never
12 intended that you should be compensating service
13 areas for wells that they weren't pumping anymore.
14 Okay. And in looking through the number of wells
15 that are left -- that, well, that are completed in
16 the middle aquifer, it's clear that they're being
17 discontinued. I -- I think that there were only
18 four wells that were -- I listed 11 wells from --
19 that I took from the table that you provided, that
20 were in -- in the region that were completed in
21 the third aquifer. But there are only four of
22 them that are within a mile of the project. That
23 was the two -- the three City of Riverside wells,
24 the gage well, 56-1 that you have up there, the
25 new gage well number six. Then there's a gage

1 well 92-1, and we weren't' sure where the location
2 of that one was.

3 MR. MASLONKOWSKI: We -- we have to --
4 I'll have to verify that. I put in a call to the
5 City of Riverside --

6 MS. BOND: Okay.

7 MR. MASLONKOWSKI: -- and they --

8 MR. REEDE: Microphone.

9 MS. MASLONKOWSKI: -- and they returned
10 my call this morning on my --

11 MS. BOND: Yeah. I mean, that could be
12 within a mile, or it could be three miles away,
13 for all I know.

14 MR. MCKINSEY: We -- we marked it where
15 we think it is.

16 MS. BOND: Oh, okay. All right.

17 MR. MASLONKOWSKI: We believe that one's
18 in the same general vicinity.

19 MS. BOND: Okay. And then Marigold
20 Farms. I would suspect that these three City of
21 Riverside wells that you've explained now, with
22 the gage 6 well, they're filtering it, so they'll
23 probably keep operating. But unless they start
24 filtering these other two, I would expect that
25 they might shut down, too. I don't know.

1 MR. MASLONKOWSKI: And that -- that's --
2 I'm going to try to verify that with -- the person
3 that I've contacted has a better understanding of
4 -- from a water quality point of view, which ones
5 they would continue to filter, whether they have
6 plans to replace those with deeper wells.

7 MS. BOND: Right. Really, we -- we
8 focused on this one question of a potential impact
9 from the well interference as somewhat of a
10 follow-up from what you all had stated in the AFC,
11 that you were going to work with nearby well
12 owners if there were unacceptable draw-down
13 impacts. What I didn't consider, and I think
14 you've raised this as a valid and important aspect
15 of this, is that your pumping is being
16 counterbalanced by all these wells that are being
17 shut down.

18 I think that the only thing that we
19 might want to do is talk to the City of Riverside
20 and Marigold Farms, and see if this is an issue
21 with them. From what you're saying, I think
22 you're correct. I think it's probably not going
23 to be an issue. If it's not an issue for them,
24 it's not an issue for us.

25 MS. WHITE:: No. The one thing that we

1 didn't know is where those pumps are currently in
2 relationship to the water level.

3 MR. MASLONKOWSKI: Right.

4 MS. WHITE: And they may already be low
5 enough that any interference you do cause would
6 not affect them pumping at all. But we kind of
7 ran into a time crunch.

8 MS. BOND: Right.

9 MS. WHITE: We didn't have a chance to
10 really look at it.

11 MS. BOND: We wanted to open the door to
12 this issue.

13 MS. WHITE: Right, because we recognize
14 that you have actually responded thoroughly to our
15 initial concerns about the lower aquifer, and
16 we're very appreciative to that. But at the same
17 time, we recognize that we've all kind of touched
18 on well, having gone to the middle aquifer, there
19 are some closer wells that might be impacted, and
20 we'll have to look at that. Not having the time
21 to fully exhaust that investigation, we threw this
22 out there.

23 MR. MCKINSEY: One of the things that we
24 --

25 MR. REEDE: How are going to resolve

1 this, though?

2 HEARING OFFICER SHEAN: Right. I mean,
3 can you --

4 MR. MCKINSEY: I've got an idea.

5 HEARING OFFICER SHEAN: All right. John
6 has an idea. Let's --

7 MR. REEDE: What is the resolution? Are
8 we going to drop the shall reimburse, or what?

9 HEARING OFFICER SHEAN: John has an
10 idea. Let's --

11 MR. MCKINSEY: I have an idea. It could
12 be that we can make 13 after we've done aquifer
13 tests under 12, that -- and we still do the
14 recalculation of our well and interference
15 impacts, and we submit, in addition to that -- I
16 mean, and that's going to be in the future, a new
17 status report on what's happened in the middle
18 aquifer in terms of -- of usage and
19 discontinuation. And that's something, and I
20 haven't run this by even our client yet.

21 MR. HALL: I'm listening.

22 MR. MCKINSEY: But -- but that's
23 something that we would then need to get approval
24 from you. In other words, a lot of what's in 13
25 makes sense. The part that got us scared was that

1 idea of -- of trying to articulate now that we
2 need to compensate users.

3 One reason is under the -- but the
4 primary idea would be we need to do it if there
5 are significant impacts. Because it's -- it's not
6 an adjudicated aquifer, you know, the only other
7 reason we'd need to do it normally would be
8 mitigation if they were significant impacts, and
9 -- but that doesn't mean that if we've got users
10 in the area that we don't want to get into a water
11 war over, that we don't want to do that.

12 But as we understood it to date, there
13 hasn't been anybody that's indicated an issue over
14 their -- our use of the middle aquifer. And so
15 maybe -- and I don't know if it would be
16 acceptable, but maybe we could articulate that we
17 need to submit this reevaluation for -- and some
18 kind of -- of water use plan of some type for
19 approval.

20 MS. WHITE: Well, don't -- we already
21 know what the anticipated draw-down on those
22 neighboring wells are going to be.

23 MS. BOND: Well, it's -- it's an
24 estimate based on -- on your best guess of what
25 the permeabilities are, and it could be

1 significantly different. You -- you know, with
2 permeabilities, and --

3 MS. WHITE: Agreed, but what I -- what I
4 was going to suggest is give us a chance to talk
5 to the City of Riverside, and --

6 MS. BOND: Marigold Farms.

7 MS. WHITE: -- Marigold Farms, find out
8 whether or not -- kind of get a feel for where
9 their pumps are, and whether or not we think that
10 there's going to be a problem there at all. We --
11 we still may have you do the recalculation, but I
12 -- I think we're still unresolved as to whether or
13 not this is going to be a problem in the first
14 place.

15 MR. McKINSEY: Right.

16 MS. BOND: Yeah. I -- I think that you
17 said you're not concerned about doing the pumping
18 test and recalculating the well interference.
19 What you were concerned about was committing to
20 compensation at this point in time.

21 MR. McKINSEY: Right.

22 MR. MASLONKOWSKI: And how do you
23 quantify that, okay.

24 MS. BOND: And how do you quantify that.

25 MR. HALL: Yeah. One -- one of the

1 things that we've talked about this morning, I
2 didn't realize that the actual impact may not have
3 to show up for some extended period of time.

4 MR. MASLONKOWSKI: In some of the wells
5 that are far away, you may not see that effect.

6 MS. BOND: I don't -- I don't see -- the
7 ones that I'm concerned about are within a mile.
8 I included them on the list because essentially
9 they were on your list, and I just wanted to -- to
10 be thorough. But -- let me give you a
11 hypothetical. Say Marigold Farms, you know,
12 people have been shutting down their third level
13 wells, and -- wells that are finished in the third
14 aquifer. And -- not the third aquifer, the middle
15 aquifer. And Marigold Farms has said great, we'll
16 raise our bowls, and they've just readjusted all
17 their bowls, and then your project goes in and now
18 they have to go and lower them back down. Say
19 there's going to be a 40 foot impact on their
20 well.

21 It seems to me that we should take that
22 into consideration. But that's the kind of thing
23 we're anticipating. I don't -- I mean, that would
24 be the worst case. Okay.

25 MS. WHITE: It's not like all the

1 colored wells that you've listed there. We
2 weren't ever thinking that you would be concerned
3 with. That's actually just the closest ones.

4 MR. MASLONKOWSKI: Okay. That -- that's
5 sort of the way we read it, that maybe it meant
6 everything out here, and every year --

7 MS. WHITE: And that was not our intent.

8 MR. MASLONKOWSKI: Okay. I -- I could
9 see that, you know, this Marigold Farms well,
10 which is the one that's still active, which is
11 close to the facility, which is in the middle
12 aquifer, that that would be one that we would want
13 to look at very closely.

14 MS. BOND: Yes.

15 MR. McKINSEY: Yeah. In fact, one of
16 the things was that a lot of these wells that
17 we're talking about are inactive. So other than
18 that, I guess they call it a quill, Marigold
19 Farms, a quill well. And I guess that's it for
20 the immediately adjacent ones that are still
21 active.

22 MS. BOND: There's four wells within a
23 mile that are still active, that I know of.

24 MR. MASLONKOWSKI: And I believe that
25 the gage number six, which was actually a new well

1 --

2 MS. BOND: That's this -- uh-huh.

3 MR. MASLONKOWSKI: -- and I believe that
4 one they are not going to continue to use because
5 it was a new well that they put in, and right away
6 they had perchlorate and TCE.

7 MS. BOND: Oh, I thought that was the
8 one they're filtering.

9 MR. MASLONKOWSKI: Yeah. I think
10 they're doing that now. But I think that's --

11 MS. BOND: Oh, I see. Okay.

12 MR. MASLONKOWSKI: -- I believe that is
13 one. And the other two are the 56-1, and the 51-
14 1.

15 MS. BOND: I had 92-1.

16 MR. MASLONKOWSKI: Oh, and 92-1 is --
17 yes.

18 MS. BOND: I think the Mountainview well
19 that you have highlighted there is -- has been
20 impacted and is inactive. The Mountainview --
21 that one that's just highlighted in orange, right
22 below you. Is that one inactive?

23 MR. MASLONKOWSKI: That is actually --
24 Mountainview 2 is actually a lower unit well, but
25 for some reason it -- it is -- it does have

1 perchlorate, so it might be --

2 MS. BOND: Oh, so it's a lower well, so
3 we're -- it's not something we're --

4 MR. MASLONKOWSKI: Right.

5 MS. BOND: -- yeah, I couldn't figure
6 out why it was even on there. Okay.

7 MR. MASLONKOWSKI: Yeah. That I think
8 was actually -- it should've been marked as Number
9 1.

10 MS. BOND: Okay.

11 MS. WHITE: Actually, what I'd like to
12 suggest we do on this one, because I think it
13 still needs some more work, is to have you write
14 up some suggested language. We'll check with the
15 operators of the wells, get more information on
16 them to figure out if this is even a problem at
17 all. I'm not -- I'm not wanting to rule it out,
18 but I'm not also convinced that it's something we
19 should get hung up on, because it may not even be
20 a problem. So --

21 MR. HALL: Well, one of our concerns,
22 from a pragmatic standpoint, is as we start
23 operating the facility it's just that many more
24 things to try and keep on top of and track, and --
25 and --

1 MS. WHITE: And we agree.

2 MR. HALL: -- we -- we can simplify that
3 going forward, and it's in our interest to do
4 that, as well.

5 MR. MCKINSEY: In fact, one other thing
6 that made it -- the idea of trying to estimate our
7 impacts is, you know, we did a theoretical
8 analysis of draw-down effects, but the reality of
9 what's going to go on out there is going to be
10 much more dynamic. You've got people
11 discontinuing use, but we're doing that. And so
12 even if you see some changes in -- in actual
13 pumping water levels in places, I don't know how
14 well we're going to be able to say oh, that's a
15 result of what we're doing.

16 MS. BOND: Well, that was my concern,
17 and that's why I wanted -- wanted this condition
18 to be based on the aquifer test, rather than some
19 sort of ongoing monitoring. I -- I really don't
20 have a problem with -- I don't -- I don't see --
21 let me back up a minute.

22 Why, in the original AFC, had you
23 proposed monitoring these five wells that were
24 listed in Number 14?

25 MR. MCKINSEY: I don't --

1 MS. BOND: I'm saying I agree with you,
2 John. You really need a full-blown three
3 dimensional groundwater model to start sorting
4 that kind of thing out, and there's absolutely no
5 reason to go that --

6 MR. McKINSEY: Are those floor aquifer
7 --

8 MR. MASLONKOWSKI: Well, Victoria Farms
9 was one that we proposed because it was so close
10 to the site. And when we did the pump test in the
11 lower aquifer we did see some draw-down in that.
12 So we felt that would be a good one to monitor for
13 the effect of the lower pumping on the middle.

14 56-1 is a combination of middle and
15 lower aquifer. The -- and the City of
16 Mountainview three -- three and five are also --
17 those are the new wells that are in the lower
18 aquifer.

19 MS. BOND: Okay. So there's no reason
20 to monitor those.

21 MR. MASLONKOWSKI: Correct.

22 MS. WHITE: What about one?

23 MR. MASLONKOWSKI: We'd want -- we'd
24 want to have a different set --

25 MS. WHITE: Is one in the lower?

1 MR. MASLONKOWSKI: Number --
2 Mountainview, City of Mountainview -- City of Loma
3 Linda Mountainview Number 1, is in the middle.
4 But that's been taken offline. That's now
5 inactive.

6 MS. WHITE: We'd probably want to adjust
7 what we want from the monitor anyway, on 14, so --

8 MS. BOND: Yeah. Again, I'm not quite
9 sure. I think it makes sense to monitor the
10 Victoria Farms well when you do the pumping tests,
11 but I'm not sure of the value of monitoring these
12 on a long term basis.

13 MS. WHITE: Could we also have them
14 monitor the Marigold? Because that's the other
15 one that seems to be in question here. When they
16 -- when you do your pump test, look --

17 MR. MASLONKOWSKI: For the -- for the
18 pump --

19 MS. BOND: For the pump test, you are
20 going to -- see, the thing with the pump test is
21 they're going to pump maybe for three days. And
22 it will take some matter of weeks or months for
23 the impact to be -- to extend out to that well.

24 MS. WHITE: How far is that well from
25 where you guys are going to be pumping? Is it --

1 MS. BOND: Marigold --

2 MS. WHITE: -- 3,000 feet?

3 MR. MASLONKOWSKI: Three thousand feet.

4 MS. WHITE: Oh, okay. I -- I actually
5 thought it was closer.

6 MR. MASLONKOWSKI: I mean, for -- for
7 some of those we would probably -- some of those
8 we might want to just have a transducer, pressure
9 transducer, and go ahead just to see whether we
10 see any sort of effect at all.

11 MS. BOND: I mean, more data makes
12 everybody happy, because someday somebody's going
13 to need it. But I essentially included Number 14
14 because you all had listed that in your AFC. And
15 again, given that the -- the fact that we didn't
16 have a workshop to sit down and say why were you
17 going to monitor this, we put it in so that we
18 could discuss it now.

19 MR. HALL: Yeah. And the dynamics have
20 changed dramatically since that was developed.

21 MS. BOND: Right. So, you know, I -- I
22 don't have a specific use that I can see for
23 Condition Number 14. I simply included it because
24 you all had listed it.

25 MR. REEDE: Okay. So then you're saying

1 that we can drop Staff Condition 14.

2 MS. BOND: Yes. I'm saying that.

3 MS. WHITE: But we will need to -- to
4 modify --

5 MS. BOND: Twelve and 13.

6 MS. WHITE: -- 12 and 13, because
7 somewhere along the line we -- we will probably
8 want them to monitor the Victoria Farm well --

9 MS. BOND: Yes.

10 MS. WHITE: -- when they do their pump
11 tests.

12 MS. BOND: Yes.

13 MR. REEDE: Okay. Now, when -- when can
14 you get the revised language?

15 MR. McKINSEY: I think we ought to leave
16 12 alone, so we've just got to play with 13.

17 MS. WHITE: Okay, we'll play with 13,
18 then. And we'll leave 12 alone.

19 MR. REEDE: Okay. When will you get the
20 modified language for them to review, so that it
21 can be included in Monday's hearing?

22 MS. WHITE: Why this timeline?

23 MR. HALL: That isn't a very big window.

24 MR. McKINSEY: Friday. Friday, 9:00
25 a.m.

1 MR. REEDE: Friday, 9:00 a.m., the
2 modified language will be delivered to Staff.

3 HEARING OFFICER SHEAN: Okay. Yeah,
4 because we -- we need to understand. When we
5 conclude on Monday the 6th with the prehearing
6 conference, right now Condition Number 13 has not
7 been agreed to. So if you wish to have it imposed
8 in some form, you have -- you have the burden of
9 proof on it, and would need to request, if the
10 Applicant isn't agreeing to your form, to have
11 that included in the evidentiary hearing.

12 So this needs to be something you're
13 intent on fighting for, and requesting at the
14 prehearing conference portion of the event on the
15 6th to have an opportunity to address it to the
16 full Commission -- to the Committee.

17 MR. REEDE: Okay. So just so that we
18 can wrap this up, Condition 14 is deleted. Staff
19 Condition 14 is deleted. Staff Condition 13,
20 modified language will be presented to Staff by
21 the Applicant by 9:00 a.m. Friday, November the
22 3rd. All other conditions are stipulated to.

23 MS. WHITE: No. Applicant will also be
24 providing Staff with suggested language -- can you
25 do it by Friday at 9:00 -- on one and three, to

1 break out the pipeline.

2 MR. REEDE: Okay. So 1, 3, and 13 will
3 have modified language delivered to Staff no later
4 than Friday at 9:00 a.m.

5 MS. WHITE: Right. And we are adding
6 the water --

7 MR. HALL: You said 6, 7 and 9.

8 MS. WHITE: -- 6, 7 and 9, that the
9 Applicant provided us. And other than that --

10 MR. REEDE: And Applicant 5 was
11 duplicative.

12 MR. ABELSON: And four has been dropped.

13 MR. REEDE: And four was dropped. So --

14 MS. WHITE: And so were -- the only ones
15 we're adding are 5, 6 -- or, 6, 7 and 9. All the
16 others were duplicative.

17 MR. REEDE: Correct. Right.

18 MS. WHITE: Okay.

19 MR. REEDE: Okay. So there remains
20 three contested conditions, 1, 3 and 13. All the
21 rest are uncontested and we request testimony by
22 declaration.

23 HEARING OFFICER SHEAN: All right. I
24 think the answer is we'll know that on --

25 MS. WHITE: We'll know that --

1 HEARING OFFICER SHEAN: -- we'll know
2 that on Monday.

3 MS. WHITE: You'll know that Monday.

4 HEARING OFFICER SHEAN: We'll --

5 MR. REEDE: Okay.

6 HEARING OFFICER SHEAN: -- we'll confirm
7 that on Monday.

8 MS. WHITE: Right. And I -- I hesitate
9 to characterize 1, 3 and 13 as contested. If --
10 if you don't mind, I'd rather --

11 MR. REEDE: Allowing modification.

12 MS. WHITE: Right. I'd --

13 MR. REEDE: Pending modification.

14 MS. WHITE: Right. There we go. Yes.

15 I -- I don't think that we, in fact, are having
16 that big of a problem with it.

17 MR. REEDE: Thank you for your
18 testimony, Ms. White and Ms. Bond.

19 Officer Shean --

20 HEARING OFFICER SHEAN: That's great.

21 Oh, wait, wait, wait. No, I would like to go
22 through a couple of things here.

23 MR. REEDE: Oh.

24 MS. WHITE: You have questions?

25 HEARING OFFICER SHEAN: I do have

1 questions.

2 MS. WHITE: Okay. What would you like,
3 sir?

4 HEARING OFFICER SHEAN: Let's see. Let
5 me start at the beginning here.

6 The verification you're showing in
7 Number 1 on page 421. About in the middle, you
8 start with the sentence, the Owner/Applicant has
9 not identified all stream crossings for the
10 natural gas pipeline and the approaches to be
11 taken during construction activity. Staff assumes
12 the remaining crossings will be aerial in nature
13 and the installation approach will occur from
14 within the stream. In the event that construction
15 equipment will need to enter the stream, the
16 Owner/Applicant will need to comply with the
17 mitigation measure associated stream crossing.

18 Now, that doesn't sound like
19 verification to me. Could you --

20 MS. WHITE: It's not the normal
21 verification. AS I had stated earlier, because we
22 were moving from a PSA to an SA, and there were
23 some documents that have not yet been provided to
24 Staff, that we -- we, in making some of these
25 conditions and verifications, we had to make

1 modifications to what we normally do in order to
2 clarify the nature of the condition, and what we
3 expect to see in final products.

4 In this --

5 HEARING OFFICER SHEAN: Well, you're
6 going to work on breaking apart power plant and
7 linear; right? Perhaps there could be --

8 MS. WHITE: What we need to specify --
9 and if we do it in the text, not in the
10 verification, is what we needed to see in a storm
11 water pollution prevention plan, in an erosion
12 control and -- and sedimentation control plan.
13 And we had to make some assumptions in our
14 analysis, because there wasn't enough information
15 in what we had seen already as to what you're
16 actually going to be doing when you build some of
17 the linears.

18 And that's why we state that, you know,
19 our assumption was that you were going to do it
20 aerially, but if it's not aerial, then you need to
21 give us more detail along these lines.

22 And then that is laid out ad nauseam in
23 the text.

24 HEARING OFFICER SHEAN: Okay.

25 Verifications are to identify a trigger date for

1 something to be filed to verify compliance with
2 the condition, and the form of submittal. So we
3 need to make sure that we try to style these in
4 that manner. And if you can address that, John,
5 when you send them off their power plant, in the
6 linear modifications that --

7 MR. MCKINSEY: Okay.

8 MS. WHITE: Well, or actually, under the
9 circumstances, it has been Staff's practice to
10 revise conditions and submit them as supplemental
11 testimony. I'm a bit confused, and perhaps you
12 can explain to me what we're doing here. But I'm
13 more than comfortable to revise these and submit
14 them as supplemental testimony prior to the
15 evidentiary hearing, which would occur by next
16 week. Or would you rather have us just leave this
17 be, and rely on modifications that the Applicant
18 provides you?

19 HEARING OFFICER SHEAN: I'd rather have
20 -- leave this be. But first of all, what I'd like
21 to do is to try to keep verifications as
22 verifications, and --

23 MS. WHITE: Agreed.

24 HEARING OFFICER SHEAN: -- and if, in
25 whatever modified language they can provide you,

1 if we can work the conditions out, we don't need
2 to amend anything in a -- in a Staff Assessment or
3 any future testimony, or anything. Because the
4 idea of what will happen in the future is -- is if
5 you're either stating a fact or a Staff concern,
6 the fact that it occurs in this particular
7 location and not back in the prior paragraph, I
8 don't care.

9 So all --

10 MS. WHITE: We could -- we can easily
11 address that just by deleting that section that
12 starts, the Owner/Applicant.

13 HEARING OFFICER SHEAN: Okay. So long
14 as it's addressed to your --

15 MS. WHITE: And --

16 HEARING OFFICER SHEAN: -- satisfaction
17 in a condition, that's all that matters to me.

18 MS. WHITE: Right. And -- and I'm just
19 suggesting here that for your purposes, you
20 consider the Owner/Applicant, dot, dot, dot,
21 deleted.

22 HEARING OFFICER SHEAN: Right. Okay.

23 MS. WHITE: And then the -- the rest of
24 it is fine as verification.

25 HEARING OFFICER SHEAN: Right. Okay.

1 Soil and Water Number 8. The use of the reference
2 to January 15th in -- in Number 8 and Number 9.

3 MS. WHITE: Consistent -- actually, it's
4 a date chosen. It could be -- it's more
5 indicative that we wanted to see it annually. It
6 could be whenever in fact the annual report date
7 is decided upon.

8 HEARING OFFICER SHEAN: Okay. So that
9 --

10 MS. WHITE: Without the benefit of
11 having reviewed the compliance section, we weren't
12 exactly sure when they're requesting the --

13 HEARING OFFICER SHEAN: I'm just trying
14 to reach your intent, so --

15 MS. WHITE: Right.

16 HEARING OFFICER SHEAN: -- an annual
17 filing is really what you're trying to --

18 MS. WHITE: It's an annual filing. And
19 we're trying to give definition to the date,
20 because we know that that is eventually given.
21 But this would be consistent with when the annual
22 report is filed.

23 HEARING OFFICER SHEAN: Okay. In Number
24 10, I looked for it but I couldn't find it. The
25 -- the WSCP program. Is there a -- when we

1 decompress that, what is it?

2 MS. BOND: You know, I had to look that
3 one up myself. Watershed Compliance Program, is
4 that it?

5 MS. WHITE: I think it's the Watershed
6 Compliance Program.

7 MR. MCKINSEY: Or plan.

8 MS. WHITE: Pardon?

9 MR. MCKINSEY: Water -- it's a
10 compliance plan.

11 MS. WHITE: Plan. Thank you.

12 MR. MASLONKOWSKI: No, no. Wait a
13 minute.

14 MR. MCKINSEY: The Watershed Compliance
15 Plan Program?

16 MR. MASLONKOWSKI: Isn't that the Water
17 Supply Contingency Plan?

18 MS. BOND: I know I have it in here
19 somewhere.

20 MS. WHITE: We can -- we can clarify
21 that for you, Officer Shean, at --

22 HEARING OFFICER SHEAN: Okay. If -- if
23 you would.

24 MS. WHITE: -- a later date, because
25 it's -- the acronyms are the same for both.

1 HEARING OFFICER SHEAN: Okay. And --

2 MR. MASLONKOWSKI: Let's make one up and
3 throw it in for fun.

4 MS. WHITE: We'll do -- we'll just
5 insert --

6 MR. REEDE: Okay. We need -- we need to
7 move along.

8 HEARING OFFICER SHEAN: All right. Let
9 me -- the verification for 10, with a quarterly --
10 a report of some nature. Does that go on in
11 perpetuity? Or for as long as the operation of
12 the plant?

13 MS. WHITE: Yes.

14 MS. BOND: Yes.

15 MS. WHITE: And that's because of the
16 nature of the constituents we're seeking them to
17 test.

18 HEARING OFFICER SHEAN: Okay. Number
19 11, in the verification. Project Owner shall
20 submit a copy of the approved San Bernardino
21 County well permits. And are we clear that that
22 is San Bernardino now, or --

23 MS. WHITE: That will be San Bernardino.

24 HEARING OFFICER SHEAN: -- will be
25 Redlands?

1 MS. WHITE: Yes.

2 HEARING OFFICER SHEAN: Okay. And
3 provide notification of the new well installations
4 to the -- the water district, I guess.

5 MR. REEDE: San Bernardino Valley --

6 MS. WHITE: Municipal Water District.

7 MS. BOND: Water District.

8 MR. REEDE: -- Water District.

9 HEARING OFFICER SHEAN: It's the water
10 district. Right.

11 MS. WHITE: And that is defined in the
12 text.

13 HEARING OFFICER SHEAN: Thirty days
14 prior to the start-up of project operations;
15 right?

16 MS. BOND: Yes.

17 HEARING OFFICER SHEAN: All right. So
18 all these new -- all the new well installations
19 are ones that will be completed prior to the
20 commencement of their operation. Is that -- is
21 that correct?

22 MS. WHITE: Well, actually what we we're
23 -- what we're doing here is more accounting that
24 all of the permits will be in place before they
25 actually turn on. And that the appropriate

1 agencies have copies of those and are notified
2 prior to operation.

3 HEARING OFFICER SHEAN: Okay.

4 MS. WHITE: We are not requiring that
5 they obtain the permits prior to construction,
6 because those well permits -- they'll be obtained
7 prior to construction of the wells, certainly, but
8 they don't need to be obtained prior to
9 construction of the facility as a whole. So this
10 actually allows a bit of flexibility to the
11 Applicant to obtain those permits when
12 appropriate, and then just provide the
13 verification and -- and copies of those permits to
14 us prior to their operation.

15 HEARING OFFICER SHEAN: Now, I have a
16 somewhat similar question in verification for
17 Number 12. You've got the owner submitting the
18 report describing the aquifer tests 30 days prior
19 to the start of operations; right?

20 MS. WHITE: Uh-huh.

21 HEARING OFFICER SHEAN: Is that right?

22 MS. WHITE: Yes.

23 MS. BOND: Yes.

24 HEARING OFFICER SHEAN: Okay. And --

25 MR. HALL: Is that going to -- we have

1 to pump for long?

2 MR. MASLONKOWSKI: It could be four,
3 five, six days.

4 MR. HALL: Well, that -- I'm trying to
5 think what we're going to do with all that water.
6 If it's 30 days prior to operation, I'm trying to
7 think -- that may be problematic.

8 MS. WHITE: Is it too late?

9 MR. HALL: In other words, if we have to
10 pump for --

11 MS. WHITE: He's just saying --

12 MR. HALL: -- for three days --

13 MS. WHITE: -- where are we going to put
14 that water.

15 MR. HALL: -- where are we going to go
16 with the water? With zero discharge.

17 MR. MASLONKOWSKI: Well --

18 MR. MCKINSEY: What about the massive
19 retention?

20 MR. MASLONKOWSKI: -- you may have to
21 use that, or you may have to use baker tanks, or
22 something.

23 MR. HALL: Well, I would -- can we do
24 this test after we start operation, so we actually
25 have dynamic flows and places to go with the

1 water, and everything else?

2 MS. WHITE: Would your cooling tower
3 basins already be in place by that time? My
4 assumption is --

5 MR. HALL: Yeah, but they --

6 MS. WHITE: -- they would be.

7 MR. HALL: Yeah, but three days' worth
8 of pumping's going to more than fill them.

9 MS. WHITE: Okay.

10 MR. HALL: You know. I'm just trying to
11 think, you're looking at a plant that's designed
12 to be zero discharge.

13 MS. BOND: Yeah.

14 MS. WHITE: Will your slurry line be
15 hooked up yet?

16 MR. HALL: Yeah, but not for that kind
17 of volume.

18 MS. WHITE: Okay.

19 MR. HALL: You see what I'm saying?

20 We're --

21 MS. WHITE: Yeah.

22 MR. HALL: -- a volumetric issue here,
23 from an operating standpoint.

24 MS. BOND: If you ran the test at the
25 same time you are trying to operate the plant,

1 will you be able to maintain a certain rate of
2 flow? I mean, would --

3 MR. HALL: Much more so than -- than
4 under conditions prior to.

5 HEARING OFFICER SHEAN: It seems -- the
6 reason I highlighted this is I don't understand
7 how you could get the flows coming up the wells
8 that you wanted, when you're in a pre-operation
9 mode, and you haven't ascertained the -- I mean,
10 you're not necessarily running everything at the
11 full volume that you would when -- when you would
12 be operating. When you're operating, you're --

13 MS. WHITE: Okay. I actually have a
14 suggestion, then. Can we do it 30 days prior to
15 commercial operation? Because you will need water
16 during your start-up tests.

17 MR. REEDE: During commissioning.

18 MS. WHITE: And I expect that your
19 start-up tests would be starting --

20 MR. HALL: Do we -- do we have to run
21 both -- let's see, do we have to run both pumps
22 simultaneously, or do we run them individually?

23 MS. BOND: No. No.

24 MR. HALL: No.

25 MS. WHITE: Well, and you're going to be

1 capped at 750.

2 MS. BOND: The other thing is you don't
3 -- what you're trying to say is you don't have to
4 run these tests pumping the same amount that you
5 would during operation.

6 MR. MASLONKOWSKI: Correct. You can
7 seal it up.

8 MR. HALL: Okay. Yeah, we can do it
9 during commissioning. I'm just -- but we have to
10 be operating some equipment in order to, you know,
11 get --

12 MS. WHITE: To accommodate that water.

13 MR. HALL: -- the circulation and get
14 the evaporation and other things. So we would --
15 we would have more water than we know what to do
16 with.

17 MS. WHITE: Well, and -- and I'm also
18 aware that you're not going to be pumping full
19 peak volumes that the plant would need, because
20 half of that --

21 MS. BOND: You don't have to run it --

22 MS. WHITE: -- half of that's going to
23 be recycled water, anyway. So actually, what we'd
24 do then is modify the verification to say prior to
25 commercial operation.

1 MR. HALL: Yeah, that's very good.

2 Thanks for catching that. We would've caught that
3 at the wrong time.

4 HEARING OFFICER SHEAN: I do want to
5 prove to you I read this stuff. All right.

6 MS. WHITE: I'm impressed, Garret.

7 HEARING OFFICER SHEAN: And think about
8 it.

9 MR. REEDE: John, in addition to the
10 other ones you're going to deliver on Friday at
11 9:00 o'clock, would you please deliver that one?
12 The change, and say prior to operation.

13 HEARING OFFICER SHEAN: Okay. That's
14 it. We've done well. And with 14 gone, that's my
15 last question is gone, too.

16 MR. REEDE: Right. Thank you very much.

17 HEARING OFFICER SHEAN: Thank you very
18 much. Appreciate it.

19 (Thereupon the Committee Workshop
20 was concluded at 11:29 a.m.)

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CERTIFICATE OF REPORTER

I, DEBI BAKER, an Electronic Reporter,
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I further certify that I am not of
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